

Date November 16, 2007

Ms. Robin A. Guerrero
Deputy Executive Officer
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Ms. Guerrero:

Subject: Project #R2006-02866(4); RCUP 2006-00245(4)

Use: CUP to authorize the sale of beer and wine for
off-sale consumption.

Address 1100 Nogales Street, Rowland Heights, CA 91748

M-1.5-BE Zoned District

Related zoning matters:

Tract or Parcel Map No. Not Applicable

Change of Zone Case No. Not Applicable

Other Not Applicable

This is a notice of appeal from the decision of the Regional Planning Commission on: 10/10/07
(Check One) but notice of such mailed 11/6/07.

The Denial of this request

XX The Approval of this request

The following conditions of the approval:

_____ ? _____ ? _____ ? _____ ? _____ ? _____ ?

Briefly, the reason for this appeal is as follows:

See attached

Enclosed is a check (or money order in the total amount of \$ 856.40.
The amount of \$ 106.40 is estimated to cover the cost of preparing for the
Board of Supervisors six (6) copies of the transcript of all pertinent hearings held by the
Regional Planning Commission. The amount of \$1,499.00 for applicants or \$750.00 for
non-applicants is to cover the Regional Planning Department's processing fee.

Yuriy Feldman, by his attorney Joshua Kaplan

(Signed)

Appellant

Joshua Kaplan

Print Name

2635 South Fairfax Avenue

Address

Culver City, CA 90232

(310) 837-1920

Day Time Telephone Number

Briefly, the reason for this appeal is as follows:

The applicant premises is located in an irrefutably high crime area. The area is more than adequately served by existing alcohol sale establishments and one more will not satisfy any public convenience or necessity which is already satisfied by the existing establishments and one more will contribute to an aggravation of already existing high crime. There is a sensitive use (Islamic Center) located at 19164 East Walnut whose functions will be adversely impacted by the proposed use. The decision below does not take cognizance of these adverse factors and is erroneous at Page 2 of 8, Paragraph 7, when it states that the premises is located in a "C-2-BE Zone". The conditions proposed in the decision below are not sufficient to mitigate the anticipated adverse impact of another alcohol outlet. While appellant opposes the issuance of any such permit, appellant strenuously asserts that if such is still granted, sales of alcoholic beverages should be limited to the hours of Noon to 5:00 PM (if this is truly a local community serving premises) and no "cold and refrigerated" alcoholic beverages should be sold in order to preclude on-site consumption and drunk driving offenses.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon FAICP
Director of Planning

October 24, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

David Tverskoy
1100 S. Nogales
Rowland Heights, CA 91748

RE: PROJECT NO. R 2006-02866 (4)
RCUP 200600245 (4)
1100 NOGALES STREET, ROWLAND HEIGHTS

Dear Applicant:

The Regional Planning Commission, by its action of October 10, 2007, **APPROVED** the above described conditional use permit.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 14 days after this notice is received by the applicant.

If no appeal is made during this 14-day period, the Regional Planning Commission action is final. Upon completion of the 14-day appeal period, please notarize the attached acceptance form and **hand deliver** this form and any other required fees or material to the planner assigned to your case. It is advisable that you **make an appointment** with the case planner to assure that processing will be completed expeditiously. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning

Mark Child
Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Zoning Enforcement

MC:JB

**PROJECT NO. R2006-02866-(4)
CONDITIONAL USE PERMIT NO. 2006000245-(4)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATE: October 10, 2007

SYNOPSIS:

The applicant Nogales Auto Spa, requests a conditional use permit to authorize the sales of beer and wine for off-site consumption and the continued operation of a car wash in conjunction with a mini-mart and service station in the M1.5-BE (Restricted heavy manufacturing-Billboard Exclusion) Zone and the B-2 (Buffer-2) Zone. 1100 Nogales, Rowland Heights in the community of Rowland Heights in the Puente Zoned District.

PROCEEDINGS BEFORE THE COMMISSION:

October 10, 2007 Public Hearing

A duly noticed public hearing was held on October 10, 2007 before the Regional Planning Commission. Commissioners Helsley, Rew, Bellamy, Valadez, and Modugno were present. Four persons testified: the applicant's representatives testified in favor of the application. Joshua Kaplan and Richard James testified in opposition citing the high crime area, and that no more alcohol sales establishments are needed in the area and that at 19164 E. Walnut there is an Islamic center located in proximity to the proposed use. The Commission directed the following change:

- That conditions 21.i and 21.j be modified to read that: tables and seating areas in the carwash and service station area are for waiting only, and that no alcohol be consumed on site, respectively.

There being no further testimony, the Regional Planning Commission closed the public hearing voted (5-0) approving the Conditional Use Permit, findings, and conditions with modifications to the conditions of approval as discussed.

Findings

1. The applicant, Nogales Auto Spa, requests a conditional use permit to authorize the sales of beer and wine for off-site consumption and the continued operation of a car wash in conjunction with a mini-mart and service station in the M1.5-BE (Restricted heavy manufacturing-Billboard Exclusion) Zone and the B-2 (Buffer-2) Zone.
2. The subject property is located at 1100 Nogales, Rowland Heights in the community of Rowland Heights in the Puente Zoned District.

3. The 1.5 acres (65,380 sq. ft.) subject property is relatively level and is developed with a car wash/service station/mini mart and auto service repair shops and a service use.
4. The project is the continued operation, and maintenance of carwash/service station/mini mart, the addition of 762 square feet to the mini-mart and the off-site sale of beer and wine in conjunction with the sale of motor vehicle fuel.
5. The Department of Regional Planning has determined that the applicant's request to allow the continued operation of the existing facility qualifies for a Class 3 Categorical Exemption (new construction or conversion of small structures). Based upon CEQA analysis, the project will have no significant impact on the environment.
6. The subject property is designated Industrial in the Rowland Heights Community General Plan. Properties in areas with this designation are suitable for manufacturing, commercial, service, and office uses.
7. Unless specifically modified by a conditional use permit during the discretionary review process, premises in the C-2-BE Zone shall be subject to the following development standards:

A. Rowland Heights Community Standards District
The Rowland Heights Community Standards District (Section 22.44.132 of the County Code) established development standards that govern the subject property.

(1.) Setbacks

There is a 20 foot setback from Nogales Street and a 15 foot setback along Walnut Drive for new structures. The first 10 feet of the setback shall be landscaped.

The proposed addition to the existing mini-mart structure would be outside the required setbacks. The addition of 10 feet of landscaping would require the reconfiguration of the pump area and the drying/finishing area along Walnut Drive. Without limiting the functionality of the existing development, there is room available for some additional landscaping along Walnut Drive, but not the amount required by the County Code. No additional landscaping can be sited along Nogales Street without impacting the existing pump area

(2.) Landscaping

Ten percent of net lot area is required to be landscaped. Landscaping shall consist of 24-inch and 36-inch box trees and 5 and 15 gallon-size shrubs, and ground cover.

The site plan shows 4.5 percent of the site landscaped. Staff's review of the site plan showed that approximately eight percent of the total site area could be landscaped without impacting the functionality of the existing uses of the site. All of the additional landscaping would be visible from the street.

The existing and proposed landscaping consists of almost entirely ground cover with the exception of a couple of trees and a very few shrubs. Additional shrubs and trees in the existing and proposed planters are necessary to break up and soften the visual starkness of the site.

(3.) Lot Coverage

The maximum cumulative lot coverage allowed is 40 percent.

The carwash structure straddles a property line, thus both subject properties have been analyzed as one parcel. The project would have a total building area of 9,077.5 square feet. The subject property has a total of 65,380 sq. ft. of net area. The lot coverage of the project would be approximately 14 percent.

(4.) Architectural Features

For parcels that adjoin a street or a residential zone, at least 25 percent of the façade that faces such a street shall consist of materials or design that is distinguishable from the rest of the façade.

The proposed project consists of existing structures with the exception of a 636 square foot addition to the mini-mart. The Nogales Street façade of the min-mart/carwash is the vertical plane of the facade is broken up with the patio area on the north side to the mini-mart. The exterior of the structure is painted tan with a brown stripe around the top of the structure. The exterior lacks materials that are distinguishable of materials from the balance of the façade.

(5.) Corner Cut-off

In a triangle of 30 feet adjacent to a street corner the maximum height is 42 inches for shrubs, trees or any other physical obstruction.

There are two temporary banner signs at the base of the freestanding sign that are within the area excluded from physical obstructions.

(6.) Signs

The applicant is not proposing any new signs. The existing freestanding signs on the property were approved by the Regional Planning Department (RPP30562).

(7.) Height

The maximum height permitted is 35 feet.

The existing structures are about 18 to 20 feet tall and comply with the County Code.

B. Parking

Sections 22.52.1100 and 22.52.1110 of the County Code establish the parking requirements for the uses on the subject property. Retail uses require one parking space for each 250 square feet of gross floor area, and take out food service requires 10 parking spaces.

The entire site has 9,077.5 square feet of gross building area which requires 36 parking spaces plus 10 parking spaces take out food service equals a parking requirement of 46 parking spaces. Forty-seven parking spaces are shown on the site plan. The proposed project meets the parking requirements.

C. Sale of beer and wine in conjunction with sale of motor vehicle fuel

Section 22.56.245 of the County Code establishes development standards for the sale of beer and wine in conjunction with sale of motor vehicle fuel which are to be required as conditions of approval.

8. Surrounding properties to the north are zoned City of Industry; properties to the south Pomona Freeway (I-60); properties to the east properties are zoned M1.5-BE & B-2 (Restricted Heavy Manufacturing-Billboard Exclusion) Zone and the B-2 (Buffer-2) Zone; and properties to the West M1.5-BE & B-1 (Buffer-1). Surrounding land uses to the north are Industrial and vacant; to the south: freeway and single family residential; east: Industrial; and west retail.

The use is consistent with the both the general plan and the M1.5-BE & B-2 zoning. The existing mini-mart/service station/carwash use is adequately buffered from the residential and sensitive uses by the Pomona Freeway. The subject property is well maintained.

There are no sensitive uses within 600 feet of the subject property. Within 500 feet of the site, there is one off-site sale beer and wine license (Alur Enterprises-Mobil) to the northwest, and one general off-site sale license (Tawa Supermarket) to the northwest. There are four restaurants licensed for the on-site sale of alcohol at located to the northwest and west of the subject property. The surrounding properties are generally well maintained and the area appears to have had no adverse impacts from the existing alcohol uses. The California Department of Alcoholic Beverage Control data indicates that the subject property is located in an area where crime is higher than the countywide average. Approval of the proposed project would result in property improvements that would enhance the neighborhood. A finding of public

convenience is necessary if this project is to be approved as the subject property is within 500 feet of another facility selling alcoholic beverages of either on or off-site consumption.

9. Captain David Halm of the City of Industry Patrol Station in correspondence date July 3, 2007 recommended approval of this application for the off site sale of beer and wine.
10. The County of Los Angeles Fire Department has reviewed the project; their recommended conditions in a letter dated August 10, 2007.
11. Staff has requested crime and liquor license statistics for the surrounding area from the California Department of Alcoholic Beverage Control (ABC). In a fax dated September 6, 2007, ABC indicated that the subject property is located in a high crime reporting district. One hundred and fourteen (191) offenses were reported in district #2934, which is more than the 120% threshold of 169 offenses for all 355 reporting districts. An undue concentration of Type 20 (Off-Sale Beer and Wine) licenses would not exist within the census tract of the subject property, Census Tract #4082.12. This census tract can accommodate up to three (3) off-site licenses. Two (2) licenses exist in this census tract. The California Department of Alcoholic Beverage Control census tracts statistics are attached.
12. No public comments were received to prior to the public hearing. The Rowland Heights Coordinating Council and the applicant have entered into an agreement that would require eight percent to the net lot area to be landscaped and a stone veneer on the face of the mini-mart in return for the Coordinating Council's approval of the project dated October 3, 2007.
13. The Notice of Public Hearing was advertised in the San Gabriel Valley Tribune and La Opinion newspapers on September 6, 2007. A total of 21 public hearing notices regarding the subject application were mailed out to the owners of properties located within the 500-foot radius of the subject property on September 5, 2007. 25 notices were also sent to the local community groups and residents on the Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Factual Sheet, and proposed Class 1 Categorical Exemption (Existing Facilities) were sent to the Rowland Heights County Library located at 1850 Nogales Street on September 5, 2007. The same information materials were also posted on the Department of Regional Planning's Website.

Pursuant to Section 22.60.175 of the County Code, the applicant must post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received photos and the Certificate of Posting stating that the Notice of Public Hearing was properly posted from the applicant's agent.

14. Staff has requested crime and liquor license statistics for the surrounding area from the California Department of Alcoholic Beverage Control (ABC). In a fax dated March 17, 2006, ABC indicated that the subject property is located in a high crime reporting district. Two hundred and seventy four offenses were reported in district #0497, which is more than the 120% threshold of 170 offenses for all 355 reporting districts. An undue concentration of Type 20 (Off-Sale Beer and Wine) licenses does not exist within the census tract of the subject property, Census Tract #5035.01. This census tract can accommodate up to four (4) off-site licenses. Three (3) licenses exist in this census tract.
15. The Commission finds that the conditions of approval can ensure that the sales of beer and wine for off-site consumption at a service station with a mini-mart will not create adverse impacts to surrounding properties.
16. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use with the attached conditions and restrictions will be consistent with the adopted general plan for the area;
- B. With the attached conditions and restrictions, that the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the Los Angeles County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;

- E. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the economic welfare of the nearby community;
- F. The requested use at the proposed location is located in a high crime area, but the use will serve as a public convenience and necessity;
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
- H. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already considered or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood; and
- I. That the proposed site is adequately served by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing has satisfied the required findings for a Conditional Use Permit as set forth in Sections 22.56.090 and 22.56.195, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

- 1. The Commission has considered the Categorical Exemption together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Categorical Exemption reflects the independent judgment and analysis of the Commission, and adopts the Categorical Exemption.
- 2. In view of the findings of fact presented above, Conditional Use Permit. No. 2006000245-(4) is APPROVED, subject to the attached conditions.

VOTE **5-0-0**

Concurring: **Modugno, Bellmay, Helsley, Rew, Valadez**

Dissenting: **None**

Abstaining: **None**

PROJECT NO. R2006-02866-(4)
CONDITIONAL USE PERMIT NO. 2006000245-(4)

FINDINGS
Page 8 of 8

Absent: None

Action Date: 10/10/07

MC:JB
10/10/07

1. This grant authorizes the sale of beer and wine for off-site consumption and the continued operation and maintenance of a mini-mart/service station/carwash. It also waives the requirement for 10 feet of landscaping adjacent to a street and the requirement that 10 percent of the site area be landscaped in lieu of eight (8) percent of the site being landscaped as shown on the approved Exhibit "A", subject to the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property, if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required inspection and processing fees have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. This permit is deemed to be used when the permittee has secured an alcoholic beverage license from the California Department of Alcoholic Beverage Control. A one-year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date.
7. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. This grant shall terminate on **October 10, 2017**. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of beer and wine after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time. The expiration of this grant shall not apply to the continued use of the market and service station without any beer or wine sales.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$1,650.00** within the 90 days of the date of approval. These monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These funds provide for one inspection upon for the inspection of the installation of the required improvements as shown on Exhibit "A" and annual inspections thereafter for the term of the grant, for a total of eleven (11) inspections. Inspections shall commence when final occupancy is granted for the mini-mart structure. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The

amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant in accordance with Section 22.60.174 of the County Code, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. The permittee shall pay or reimburse the County of all necessary fees associated with such hearing.
12. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a revised site plan, similar to that presented at the public hearing, that depicts all required project changes including the following: 1) a landscape and irrigation plan (the landscaping shall consist of 24-inch and 36-inch box trees, 5 and 15 gallon-size shrubs, and ground cover), and 2) a floor plan of the mini-mart showing the location and amount of area (less than five (5) percent of the total shelf space) devoted to beer and wine sales. These plans may be incorporated into a revised plot plan, shall be submitted to and approved by the Planning Director. The landscape plan shall show the size, type and location of all plants, trees, and an automatic irrigation system. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants when necessary. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
15. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works, the Forester and Fire Warden, and the Department of Health Services.
16. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water, sewage, and food storage and handling shall be provided to the satisfaction of said Department.

17. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. Within thirty (30) days of the approval of this grant, any illegal signage shall be removed from the subject property. Any new or additional signage shall be in compliance with Part 10, Title 22 of Los Angeles County Code.
18. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage by 7 a.m. the day following of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
19. The permit for sale of beer and wine shall not be effective until all property improvements shown in Exhibit "A" are constructed and granted final occupancy by Department of Public Works Building and Safety Division and condition 21's requirements are satisfied to the satisfaction of the Director.
20. The sale of beer and wine for off-site consumption at the mini-mart of the service station is subject to the following conditions:
 - a. No alcoholic beverage shall be displayed within five feet of the cash register or the front door;
 - b. No display of alcoholic beverages shall be made from an ice tub;
 - c. The permittee shall not advertise the sale of alcoholic beverage on the exterior walls or windows of the building or at any location of the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the buildings or windows;
 - d. Signage shall be posted within the alcoholic beverage section of the store notifying the public in English and the predominate second language in the neighborhood that it is a violation of the California State Vehicle Code to transport open containers of alcoholic beverages within the passenger compartment of a motor vehicle;
 - e. Beer or malt beverages in containers of 16 oz. or less shall not be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited;
 - f. Wine and wine coolers in containers less than 750 ml shall not be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities;

- g. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood;
 - h. Between the hours of 10:00 p.m. to 12 a.m. employees authorized to sell alcoholic beverages shall be at least 21 years old;
 - i. Food and alcoholic beverage sales are for off-site consumption only. Tables and seating areas in the carwash and service station area are for waiting only;
 - j. There shall be no alcoholic beverages consumed on the subject property;
 - k. Shelf space devoted to the sale of alcoholic beverages shall not exceed more than five (5) percent of the total shelf space;
 - m. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector or Alcohol Beverage Control (ABC) investigator. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
 - n. All employees authorized to sell alcoholic beverages shall participate in the License Education on Alcohol and Drugs (LEAD) Program offered by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The permittee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program; and
 - o. Alcoholic beverage sales shall occur only between the hours of 7 a.m. and 12 a.m. (midnight)
21. The subject property shall be further subject to the following conditions:
- a. The permittee shall comply with all recommended conditions set forth in the attached County of Los Angeles Fire Department, Fire Prevention letter dated August 10, 2007, except as otherwise required by said department;
 - b. There shall be no outdoor sales, storage, or displays of merchandise except for that directly related to automobile accessories and facilities necessary for dispensing petroleum products;
 - c. A minimum of eight percent of the net lot area of the subject property shall be landscaped. The landscape and the irrigation plan shall be approved by the Director;

- d. All exterior lighting shall be hooded and directed downward and such lighting shall be designed so as to prevent glare or direct illumination to any adjacent residential use. Lighting shall be provided in the parking lot;
- e. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;
- f. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area and shall be visible to the cashier;
- g. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control;
- h. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
- i. Wall signs and graphic displays must be confined to the façade surface of the building and the pump island canopy, and should not project above the roofline or disrupt the architectural design of the building; such signage shall conform to the requirements of Part 10 Chapter 22.52 of the County Code;
- j. Outside storage of trash shall be within an approved trash enclosure;
- k. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
- l. Video security shall be installed and maintained for the mini-mart, carwash, and service station (exterior and interior coverage). The recorded images shall be retained for a period of at least two weeks or longer as determined by the Sheriff's Department;
- m. Temporary banner signs are not permitted and shall be removed from the freestanding sign at the intersection of Nogales Street and Walnut Avenue; and
- n. The permittee shall enter into an agreement to hold Assessor's Parcel Numbers 8760-001-012 and 8760-001-011 parcels as one, as the structures cross the common property line and the required parking for the mini-mart/service station/carwash is on both parcels; not less than 46 on-site parking spaces shall be provided (including two handicapped parking space which is properly signed).

Attachments:

County of Los Angeles Fire Department, Fire Prevention letter dated August 10, 2007

MC:JB

PROJECT NO. R2006-02866-(4)
CONDITIONAL USE PERMIT NO. 2006000245-(4)

CONDITIONS
Page 7 OF 7

10/10/07



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

DATE: August 10, 2007

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2006-02866

LOCATION: 1100 Nogales Street, Rowland Heights

- ☐ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☒ The required fire flow for this development is 2000 gallons per minute for 2 hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☒ Verify / Upgrade 1 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ Comments: Access and Fire Flow are adequate for this CUP.
- ☐ Location: _____
- ☐ Access: _____
- ☒ Special Requirements: Prior to building permit issuance, approval of architectural drawing is required by Fire Prevention Engineering.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: **Scott Jaeggi**

Co.CUP 06/07

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783

RPC MEETING DATE
10/10/07

AGENDA ITEM NO.
7

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: R2006-02866-(4)

CASE NO. Conditional Use Permit No. 2006000245-(4)

CONTACT PERSON: James Bell

- ☒ STAFF REPORT
- ☒ DRAFT CONDITIONS (If Recommended For Approval)
- ☒ BURDEN OF PROOF STATEMENT (CUP Request)
- ☒ ENVIROMENTAL DOCUMENTATION
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE RADIUS MAP
- ☒ SITE PLAN
- ☒ PHOTOGRAPHS
- ☐ CORRESPONDENCE
- ☒ ATTACHMENTS
 - Fire Department letter dated August 10, 2007
 - County Sheriff's Department letter dated July 3, 2007
 - The Rolling Heights Coordinating Council letter dated October 3, 2007
- ☒ VICINITY/GIS MAP
- ☐

Reviewed By: 



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2006-02866-(4)
RCUP NO. 2006000245-(4)

RPC/HO CONSET DATE	CONTINUE TO
AGENDA ITEM 7	
PUBLIC HEARING DATE October 10, 2007	

APPLICANT Nogales Auto Spa	OWNER S AND P Investments LLC	REPRESENTATIVE
REQUEST Conditional Use Permit: To authorize the sales of beer and wine for off-site consumption and the continued operation of a car wash in conjunction with a mini-mart and service station		
LOCATION/ADDRESS 1100 Nogales Street, Rowland Heights	ZONED DISTRICT Puente Zoned District	
ACCESS Walnut Drive to the east and west and Nogales Street to the north and south	COMMUNITY Rowland Heights	
	EXISTING ZONING M1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion) Zone and the B-2 (Buffer-2) Zone	
SIZE 1.5 acres (65,380 sq. ft.)	EXISTING LAND USE Car wash, service station	SHAPE irregular
		TOPOGRAPHY Relatively flat

SURROUNDING LAND USES & ZONING

North: Industrial and vacant/City of Industry	East: Industrial/ M1.5-BE & B-1
South: Pomona Freeway (I-60)/ freeway and single family residential	West: retail/ M1.5-BE & B-1

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Rowland Heights Community General Plan	Industrial	N/A	N/A

ENVIRONMENTAL STATUS

Categorical exemption pursuant to Class 3 of the California Environmental Quality Act and the County of Los Angeles Environmental Document Reporting Procedures and Guidelines.

DESCRIPTION OF SITE PLAN

The subject property is irregular in shape, with flat topography. The applicant's site plan depicts the 1.5-acre subject property with the existing car wash and service station and the proposed mini mart. Access to the subject property is via Walnut Drive to the east and west and Nogales Street to the north and south.

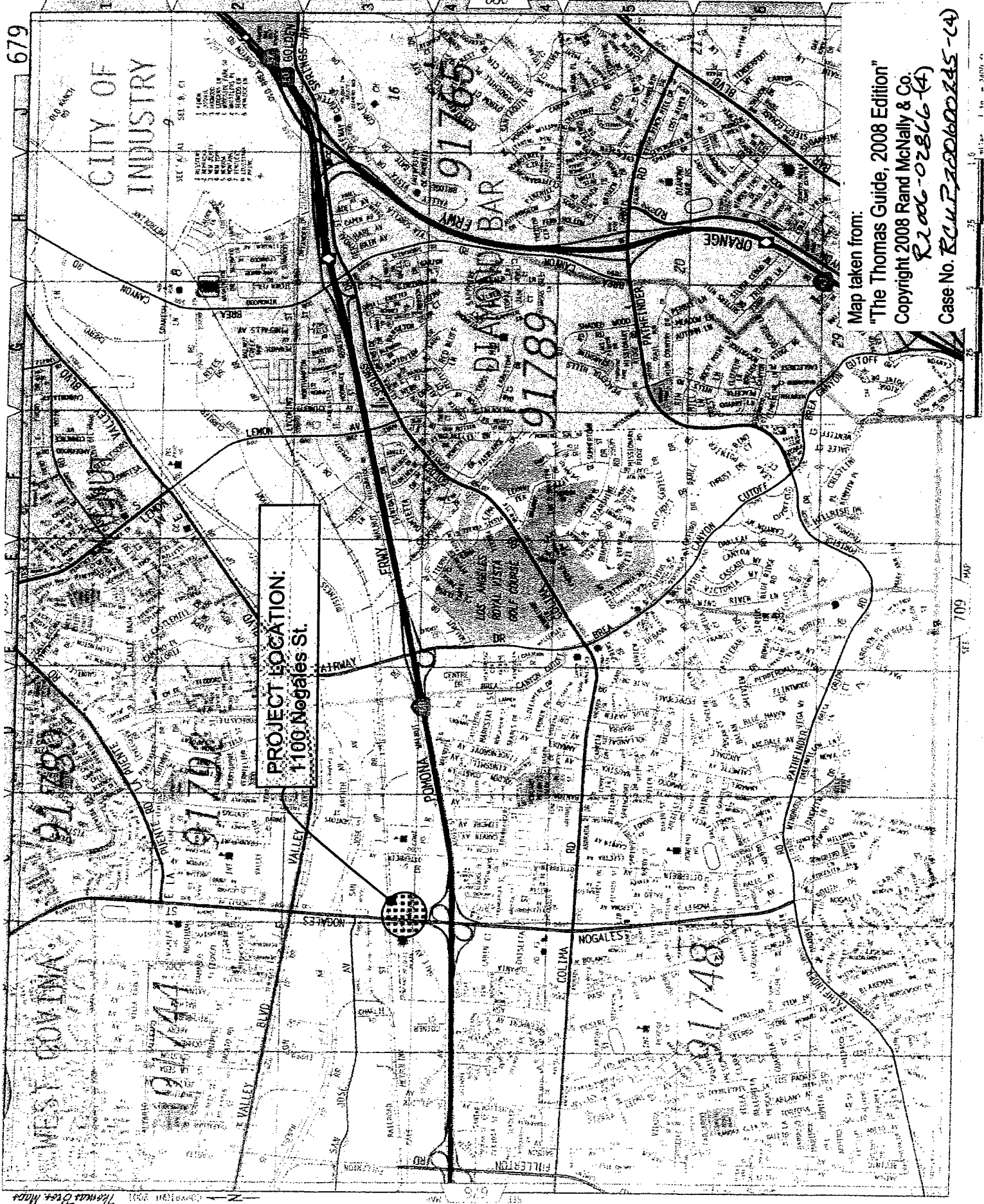
The KEY ISSUES

- Satisfaction of Section 22.56.040, Title 22 of the Los Angeles County Code conditional use permits burden of proof requirements.
- Satisfaction of Section 22.56.195 of the Los Angeles County Code Title 22, conditional use permit burden of proof requirements for alcoholic beverage sales on-site or off-site consumption.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE (S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor



Map taken from:
 "The Thomas Guide, 2008 Edition"
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 R2006-02866-4)
 Case No. RAN 200600245-4)

STAFF ANALYSIS
PROJECT NUMBER R2006-02866-(4)
CONDITIONAL USE PERMIT NO. RCUP2006000245-(4)

SUMMARY OF ISSUES

- The subject property is within a high crime area. The Los Angeles County Sheriff Department supports this application.
- The subject property has less than the required amount of landscaping.
- The application meets all of the development standards for the sale of beer and wine in conjunction with the sale of motor vehicle fuel.

ENTITLEMENT REQUEST

The applicant, Nogales Auto Spa, requests a conditional use permit to authorize the sales of beer and wine for off-site consumption and the continued operation of a car wash in conjunction with a mini-mart and service station in the M1.5-BE (Restricted heavy manufacturing-Billboard Exclusion) Zone and the B-2 (Buffer-2) Zone.

LOCATION

The proposed project is located at 1100 Nogales Street, Rowland Heights in the community of Rowland Heights in the Puente Zoned District.

SITE DESCRIPTION

The 1.5 acres (65,380 sq. ft.) subject property is relatively level and is developed with a car wash/service station/mini-mart and auto service repair shops and a service use.

PROJECT DESCRIPTION

The request is to continue operation, and maintenance of carwash/service station/mini-mart, and to add 762 square feet to the mini-mart and to add off-site sale of beer and wine in conjunction with the sale of motor vehicle fuel.

ENVIROMENTAL DETERMINATION

The Department of Regional Planning has determined that the applicant's request to allow the continued operation of the existing facility qualifies for a Class 3 Categorical Exemption (new construction or conversion of small structures). Based upon CEQA analysis, the project will have no significant impact on the environment.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PREVIOUS CASES/ZONING HISTORY

A Plot Plan Review (RPP200602002) was approved on May 9, 2007 for the proposed expansion of the mini-mart. The approval was conditioned upon providing landscaping of 10 percent of the lot. The plans for RPP200602002 are identical to the plans submitted for this conditional use permit, RCUP2006000245-(4).

A Plot Plan Review (RPP30562) was approved on March 13, 2000 for two one story structures (144 square and 320 square feet).

A zoning conformance review (RZCR200600755) was approved on August 3, 2006 for a new 499 gallon horizontal LPG gas tank to be located in the existing gas station/car wash.

A Plot Plan Review (RPP30562) was approved on January 31, 2000 for a replacement sign on the freestanding 60 foot tall freeway oriented sign.

A Plot Plan Review (RPP30562) was approved on December 22, 1986 for a 320 square foot addition to the auto repair facility.

A Plot Plan Review (RPP30562) was approved on November 3, 1983 for construction of a Gemco retail store.

A Plot Plan Review (RPP30562) was approved on November 30, 1981 for construction of a 5,300 square foot auto repair use on the east side of the subject property.

A Plot Plan Review (RPP30562) was approved on November 17, 1980 for a freestanding 60 foot tall freeway oriented sign.

A Plot Plan Review (RPP27981) was approved on June 18, 1976 for a two face sign with no visibility to the Pomona Freeway.

Zone Exception Case 8290-(1). On November 3, 1966 the Regional Planning Commission approved a freestanding sign 40 foot tall and 38.5 feet by 7 feet.

GENERAL PLAN CONSISTANCY

The subject property is designated Industrial in the Rowland Heights Community General Plan. Properties in areas with this designation are suitable for manufacturing, commercial, service, and office uses.

ZONING ORDINANCE & DEVELOPMENT STANDARDS COMPLIANCE

Unless specifically modified by a conditional use permit during the discretionary review process, premises in the M1.5-BE Zone shall be subject to the following development standards:

1. Rowland Heights Community Standards District

The Rowland Heights Community Standards District (Section 22.44.132 of the County Code) established development standards that govern the subject property.

A. Setbacks

There is a 20 foot setback from Nogales Street and a 15 foot setback along Walnut Drive for new structures. The first 10 feet of the setback shall be landscaped.

The proposed addition to the existing mini-mart structure would be outside the required setbacks. The addition of 10 feet of landscaping would require the reconfiguration of the pump area and the drying/finishing area along Walnut Drive. Without limiting the functionality of the existing development, there is room available for some additional landscaping along Walnut Drive, but not the amount required by the County Code. No additional landscaping can be sited along Nogales Street without impacting the existing pump area.

B. Landscaping

Ten percent of the net lot area is required to be landscaped. Landscaping shall consist of 24-inch and 36-inch box trees and 5 and 15 gallon-size shrubs, and ground cover.

The site plan shows 4.5 percent of the site landscaped. Staff's review of the site plan showed that approximately eight percent of the total site area could be landscaped without impacting the functionality of the existing uses of the site. All of the additional landscaping would be visible from the street.

The existing and proposed landscaping consists of almost entirely ground cover with the exception of a couple of trees and a very few shrubs. Additional shrubs and trees in the existing and proposed planters are necessary to break up and soften the visual starkness of the site.

C. Lot Coverage

The maximum cumulative lot coverage allowed is 40 percent.

The carwash structure straddles a property line, thus both subject properties have been analyzed as one parcel. The project would have a total building area of 9,077.5 square feet. The subject property has a total of 65,380 sq. ft. of net area. The lot coverage of the project would be approximately 14 percent.

D. Architectural Features

For parcels that adjoin a street or a residential zone, at least 25 percent of the façade that faces such a street shall consist of materials or design that is distinguishable from the rest of the façade.

The proposed project consists of existing structures with the exception of a 636 square foot addition to the mini-mart. The Nogales Street façade of the mini-mart/carwash façade is varied with the recessed patio area on the north side to the mini-mart. The exterior of the structure is painted tan with a brown stripe around the top of the structure. The entrance to the mini-mart however lacks definition.

E. Corner Cut-off

For the triangular shaped planter adjacent to the street corner, the maximum height allowed for shrubs, trees or any other physical obstruction is 42 inches.

There are two temporary banner signs at the base of the freestanding sign that are within the area excluded from physical obstructions. This has been addressed in the draft conditions.

F. Signs

The applicant is not proposing any new signs. The existing freestanding signs on the property were approved by the Regional Planning Department (RPP30562).

G. Height

The maximum height permitted is 35 feet for all structures.

The existing structures are between 18 and 20 feet tall and comply with the County Code requirement.

2. Parking

Sections 22.52.1100 and 22.52.1110 of the County Code establish the parking requirements for the uses on the subject property. Retail uses require one parking space for each 250 square feet of gross floor area, and take out food service requires a minimum of 10 parking spaces.

The entire site has 9,077.5 square feet of gross retail building area which requires 36 parking spaces plus 10 parking spaces take out food service equals a parking requirement of 46 parking spaces. Forty-seven parking spaces are shown on the site plan. The proposed project meets the parking requirements.

3. Sale of Beer and Wine in Conjunction with Sale of Motor Vehicle Fuel

Section 22.56.245 of the County Code establishes development standards for the sale of beer and wine in conjunction with the sale of motor vehicle fuel which are to be required as conditions.

The items listed in Section 22.56.245 of the County Code have been incorporated into the draft conditions.

STAFF EVALUATION

Neighborhood Impact/Land Use Compatibility

Surrounding properties to the north are zoned City of Industry; properties to the south Pomona Freeway (I-60); properties to the east properties are zoned M1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion) and B-2 (Buffer-2) Zone; and properties to the West M1.5-BE & B-1 (Buffer-1). Surrounding land uses to the north are Industrial and vacant; to the south: freeway and single family residential; east: Industrial; and west retail.

The use is consistent with both the General Plan and the M1.5-BE and B-2 zoning. The existing mini-mart/service station/carwash use is adequately buffered from the residential and sensitive uses by the Pomona Freeway. The subject property is well maintained.

There are no sensitive uses within 600 feet of the subject property. Within 500 feet of the site, there is one off-site sale beer and wine license (Alur Enterprises-Mobil) to the northwest, and one general off-site sale license (Tawa Supermarket) to the northwest. There are four restaurants licensed for the on-site sale of alcohol located to the northwest and west of the subject property. The surrounding properties are generally well maintained and the area appears to have had no adverse impacts from the existing alcohol uses. The subject property and the surrounding properties did not appear to have a graffiti problem.

The California Department of Alcoholic Beverage Control data indicates that the subject property is located in a census track where crime is higher than the countywide average. Approval of the proposed project would result in property improvements that would enhance the neighborhood. A finding of public convenience is necessary if this project is to be approved as the subject property is within 500 feet of another facility selling alcoholic beverages of either on or off-site consumption.

Staff believes that an agreement to hold the two subject parcel as one is needed. The existing structures cross over the property line and the required parking is on both parcels. A requirement to hold the parcels as one has been incorporated into the draft conditions.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 and 22.56.195 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT AND STATE COMMENTS AND RECOMMENDATIONS

Los Angeles County Sheriff's Department

Captain David Halm of the City of Industry Patrol Station in correspondence date July 3, 2007 recommends approval of this application for the off site sale of beer and wine.

County of Los Angeles Fire Department

The County of Los Angeles Fire Department has reviewed the project and recommended conditions. Their conditions are contained in a letter dated August 10, 2007 (attached), and are incorporated into the draft conditions.

California Department of Alcoholic Beverage Control

Staff has requested crime and liquor license statistics for the surrounding area from the California Department of Alcoholic Beverage Control (ABC). In a fax dated September 6, 2007, ABC indicated that the subject property is located in a high crime reporting district. One hundred and ninety one (191) offenses were reported in District #2934, which is more than the 120% threshold of 169 offenses for all 355 reporting districts. An undue concentration of Type 20 (Off-Sale Beer and Wine) licenses does not exist within the census tract of the subject property, Census Tract #4082.12. This census tract can accommodate up to three (3) off-site licenses. Two (2) licenses exist in this census tract. The California Department of Alcoholic Beverage Control census tracts statistics are attached.

PUBLIC COMMENTS

No public comments have been received to date. The Rowland Heights Coordinating Council and the applicant have entered into an agreement that would require eight percent to the net lot area to be landscaped and a stone veneer placed on the face of the mini-mart. In return, the Coordinating Council will formally support the project. This agreement is formalized in a letter dated October 3, 2007.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends Approval of project number R2006-02866-(4) conditional use permit number RCUP 2006000245-(4) subject to the attached conditions.

SUGGESTED APPROVAL MOTION

**I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE
CONDITIONAL USE PERMIT NO. 2006000245-(4) WITH FINDINGS AND
CONDITONS.**

Prepared by James Bell, Regional Planning Assistant II
Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits I Section

Attachments:

Draft Conditions
Draft Findings
Applicant's Burden of Proof statement
Fire Department letter dated August 10, 2007
County Sheriff's Department letter dated July 3, 2007
The Rowland Heights Coordinating Council letter dated October 3, 2007
Site Photographs
Site Plan
Land Use Map
GIS Map

MC:JB
10/10/07

LEGAL NOTIFICATION CONFIRMATION

PROJECT NUMBER R2006-02866-(4)

CONDITIONAL USE PERMIT NUMBER 2006000245-(4)

Newspaper

The Notice of Public Hearing was advertised in the **Press Telegram** and **La Opinion** newspapers on September 6, 2007.

Property Owners

A total of 21 public hearing notices regarding the subject application were mailed out to the owners of properties located within the 500-foot radius of the subject property on September 5, 2007.

Courtesy List

25 notices were also sent to the local community groups and residents on the Zoned District courtesy list.

County Library & Department Website

Case information materials, including the Notice of Public Hearing, Factual Sheet, and proposed Class 1 Categorical Exemption (Existing Facilities) were sent to the Rowland Heights County Library located at 1850 Nogales Street on September 5, 2007. The same information materials were also posted on the Department of Regional Planning's Website.

Subject Property

Pursuant to Section 22.60.175 of the County Code, the applicant must post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received photos and the Certificate of Posting stating that the Notice of Public Hearing was properly posted from the applicant's agent.

**PROJECT NO. R2006-02866-(4)
CONDITIONAL USE PERMIT NO. 2006000245-(4)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATE: October 10, 2007

SYNOPSIS:

The applicant Nogales Auto Spa, requests a conditional use permit to authorize the sales of beer and wine for off-site consumption and the continued operation of a car wash in conjunction with a mini-mart and service station in the M1.5-BE (Restricted heavy manufacturing-Billboard Exclusion) Zone and the B-2 (Buffer-2) Zone. The subject property is located at 1100 Nogales Street, Rowland Heights in the community of Rowland Heights in the Puente Zoned District.

PROCEEDINGS BEFORE THE COMMISSION:

Findings

1. The applicant, Nogales Auto Spa, requests a conditional use permit to authorize the sales of beer and wine for off-site consumption and the continued operation of a car wash in conjunction with a mini-mart and service station in the M1.5-BE (Restricted heavy manufacturing-Billboard Exclusion) Zone and the B-2 (Buffer-2) Zone.
2. The subject property is located at 1100 Nogales Street, Rowland Heights in the community of Rowland Heights in the Puente Zoned District.
3. The 1.5 acres (65,380 sq. ft.) subject property is relatively level and is developed with a car wash/service station/mini mart and auto service repair shops and a service use.
4. The request is to continue operation, and maintenance of carwash/service station/mini-mart, and to add 762 square feet to the mini-mart and to add off-site sale of beer and wine in conjunction with the sale of motor vehicle fuel.
5. The Department of Regional Planning has determined that the applicant's request to allow the continued operation of the existing facility qualifies for a Class 3 Categorical Exemption (new construction or conversion of small structures). Based upon CEQA analysis, the project will have no significant impact on the environment.
6. The subject property is designated Industrial in the Rowland Heights Community General Plan. Properties in areas with this designation are suitable for manufacturing, commercial, service, and office uses.

7. Unless specifically modified by a conditional use permit during the discretionary review process, premises in the M1.5-BE Zone shall be subject to the following development standards:

A. Rowland Heights Community Standards District

The Rowland Heights Community Standards District (Section 22.44.132 of the County Code) established development standards that govern the subject property.

(1.) Setbacks

There is a 20 foot setback from Nogales Street and a 15 foot setback along Walnut Drive for new structures. The first 10 feet of the setback shall be landscaped.

The proposed addition to the existing mini-mart structure would be outside the required setbacks. The addition of 10 feet of landscaping would require the reconfiguration of the pump area and the drying/finishing area along Walnut Drive. Without limiting the functionality of the existing development, there is room available for some additional landscaping along Walnut Drive, but not the amount required by the County Code. No additional landscaping can be sited along Nogales Street without impacting the existing pump area.

(2.) Landscaping

Ten percent of net lot area is required to be landscaped. Landscaping shall consist of 24-inch and 36-inch box trees and 5 and 15 gallon-size shrubs, and ground cover.

The site plan shows 4.5 percent of the site landscaped. Staff's review of the site plan showed that approximately eight percent of the total site area could be landscaped without impacting the functionality of the existing uses of the site. All of the additional landscaping would be visible from the street.

The existing and proposed landscaping consists of almost entirely ground cover with the exception of a couple of trees and a very few shrubs. Additional shrubs and trees in the existing and proposed planters are necessary to break up and soften the visual starkness of the site.

(3.) Lot Coverage

The maximum cumulative lot coverage allowed is 40 percent.

The carwash structure straddles a property line, thus both subject properties have been analyzed as one parcel. The project would have a total building area of 9,077.5 square feet. The subject property has a total of 65,380 sq. ft. of net area. The lot coverage of the project would be approximately 14 percent.

(4.) Architectural Features

For parcels that adjoin a street or a residential zone, at least 25 percent of the façade that faces such a street shall consist of materials or design that is distinguishable from the rest of the façade.

The proposed project consists of existing structures with the exception of a 636 square foot addition to the mini-mart. The Nogales Street façade of the mini-mart/carwash façade is varied with the recessed patio area on the north side to the mini-mart. The exterior of the structure is painted tan with a brown stripe around the top of the structure. The entrance to the mini-mart however lacks definition.

(5.) Corner Cut-off

For the triangular shaped planter adjacent to the street corner, the maximum height allowed for shrubs, trees or any other physical obstruction is 42 inches.

There are two temporary banner signs at the base of the freestanding sign that are within the area excluded from physical obstructions. This has been addressed in the draft conditions.

(6.) Signs

The applicant is not proposing any new signs. The existing freestanding signs on the property were approved by the Regional Planning Department (RPP30562).

(7.) Height

The maximum height permitted is 35 feet for all structures.

The existing structures are between 18 and 20 feet tall and comply with the County Code requirement.

B. Parking

Sections 22.52.1100 and 22.52.1110 of the County Code establish the parking requirements for the uses on the subject property. Retail uses require one parking space for each 250 square feet of gross floor area, and take out food service requires a minimum of 10 parking spaces.

The entire site has 9,077.5 square feet of gross retail building area which requires 36 parking spaces plus 10 parking spaces take out food service equals a parking requirement of 46 parking spaces. Forty-seven parking spaces are shown on the site plan. The proposed project meets the parking requirements.

C. Sale of Beer and Wine in Conjunction with Sale of Motor Vehicle Fuel

Section 22.56.245 of the County Code establishes development standards for the sale of beer and wine in conjunction with the sale of motor vehicle fuel which are to be required as conditions.

The items listed in Section 22.56.245 of the County Code have been incorporated into the draft conditions.

8. Surrounding properties to the north are zoned City of Industry; properties to the south Pomona Freeway (I-60); properties to the east properties are zoned M1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion) and B-2 (Buffer-2) Zone; and properties to the West M1.5-BE & B-1 (Buffer-1). Surrounding land uses to the north are Industrial and vacant; to the south: freeway and single family residential; east: Industrial; and west retail.
9. The use is consistent with both the General Plan and the M1.5-BE and B-2 zoning. The existing mini-mart/service station/carwash use is adequately buffered from the residential and sensitive uses by the Pomona Freeway. The subject property is well maintained.
10. There are no sensitive uses within 600 feet of the subject property. Within 500 feet of the site, there is one off-site sale beer and wine license (Alur Enterprises-Mobil) to the northwest, and one general off-site sale license (Tawa Supermarket) to the northwest. There are four restaurants licensed for the on-site sale of alcohol located to the northwest and west of the subject property. The surrounding properties are generally well maintained and the area appears to have had no adverse impacts from the existing alcohol uses. The subject property and the surrounding properties did not appear to have a graffiti problem.
11. The California Department of Alcoholic Beverage Control data indicates that the subject property is located in a census tract where crime is higher than the countywide average. Approval of the proposed project would result in property improvements that would enhance the neighborhood. A finding of public convenience is necessary if this project is to be approved as the subject property is within 500 feet of another facility selling alcoholic beverages of either on or off-site consumption.
9. Captain David Halm of the City of Industry Patrol Station in correspondence dated July 3, 2007 recommends approval of this application for the off site sale of beer and wine.
12. The County of Los Angeles Fire Department has reviewed the project and recommended conditions. Their conditions are contained in a letter dated August 10, 2007 (attached), and are incorporated into the draft conditions.

13. Staff has requested crime and liquor license statistics for the surrounding area from the California Department of Alcoholic Beverage Control (ABC). In a fax dated September 6, 2007, ABC indicated that the subject property is located in a high crime reporting district. One hundred and ninety one (191) offenses were reported in District #2934, which is more than the 120% threshold of 169 offenses for all 355 reporting districts. An undue concentration of Type 20 (Off-Sale Beer and Wine) licenses does not exist within the census tract of the subject property, Census Tract #4082.12. This census tract can accommodate up to three (3) off-site licenses. Two (2) licenses exist in this census tract. The California Department of Alcoholic Beverage Control census tracts statistics are attached.
14. No public comments have been received to date. The Rowland Heights Coordinating Council and the applicant have entered into an agreement that would require eight percent to the net lot area to be landscaped and a stone veneer placed on the face of the mini-mart. In return, the Coordinating Council will formally support the project. This agreement is formalized in a letter dated October 3, 2007.
15. The Notice of Public Hearing was advertised in the **Press Telegram** and **La Opinion** newspapers on September 6, 2007. A total of 21 public hearing notices regarding the subject application were mailed out to the owners of properties located within the 500-foot radius of the subject property on September 5, 2007. 25 notices were also sent to the local community groups and residents on the Zoned District courtesy list.
16. Case information materials, including the Notice of Public Hearing, Factual Sheet, and proposed Class 3 Categorical Exemption (new construction or conversion of small structures) were sent to the Rowland Heights County Library located at 1850 Nogales Street on September 5, 2007. The same information materials were also posted on the Department of Regional Planning's Website.
17. Pursuant to Section 22.60.175 of the County Code, the applicant must post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received photos and the Certificate of Posting stating that the Notice of Public Hearing was properly posted from the applicant's agent.
18. The Commission finds that the conditions of approval can ensure that the sales of beer and wine for off-site consumption at a service station with a mini-mart will not create adverse impacts to surrounding properties.
19. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of

such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use with the attached conditions and restrictions will be consistent with the adopted general plan for the area;
- B. With the attached conditions and restrictions, that the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the Los Angeles County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;
- E. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the economic welfare of the nearby community;
- F. The requested use at the proposed location will result in an undue concentration of similar premises, but will serve as a public convenience and necessity;
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
- H. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already considered or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood; and
- I. That the proposed site is adequately served by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of

traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing has satisfied the required findings for a Conditional Use Permit as set forth in Sections 22.56.090 and 22.56.195, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission has considered the Categorical Exemption together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Categorical Exemption reflects the independent judgment and analysis of the Commission, and adopts the Categorical Exemption.
2. In view of the findings of fact presented above, Conditional Use Permit. No. 2006000245-(4) is APPROVED, subject to the attached conditions.

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC:JB
10/04/07

1. This grant authorizes the sale of beer and wine for off-site consumption and the continued operation and maintenance of a mini-mart/service station/carwash. It also waives the requirement for 10 feet of landscaping adjacent to a street and the requirement that 10 percent of the site area be landscaped. In exchange, eight (8) percent of the site is being landscaped as shown on the approved Exhibit "A". The grant is subject to the following conditions of approval:
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required inspection and processing fees have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. This permit is deemed to be used when the permittee has secured an alcoholic beverage license from the California Department of Alcoholic Beverage Control. A one-year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date.
7. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. This grant shall terminate on **October 10, 2017**. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of beer and wine after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time. The expiration of this grant shall not apply to the continued use of the market and service station without any beer or wine sales.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$1,650.00** within the 90 days of the date of approval. These monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These funds provide for one inspection upon for the inspection of the installation of the required improvements as shown on Exhibit "A" and annual inspections thereafter for the term of the grant, for a total of eleven (11) inspections. Inspections shall commence when final occupancy is granted for the mini-mart structure. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The

amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant in accordance with Section 22.60.174 of the County Code, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. The permittee shall pay or reimburse the County of all necessary fees associated with such hearing.
12. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a revised site plan, similar to that presented at the public hearing, that depicts all required project changes including the following: 1) a landscape and irrigation plan (the landscaping shall consist of 24-inch and 36-inch box trees, 5 and 15 gallon-size shrubs, and ground cover), and 2) a floor plan of the mini-mart showing the location and amount of area (less than five (5) percent of the total shelf space) devoted to beer and wine sales. These plans may be incorporated into a revised plot plan, shall be submitted to and approved by the Planning Director. The landscape plan shall show the size, type and location of all plants, trees, and an automatic irrigation system. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants when necessary. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
15. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works, the Forester and Fire Warden, and the Department of Health Services.
16. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water, sewage, and food storage and handling shall be provided to the satisfaction of said Department.

17. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. Within thirty (30) days of the approval of this grant, any illegal signage shall be removed from the subject property. Any new or additional signage shall be in compliance with Part 10, Title 22 of Los Angeles County Code.
18. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage by 7 a.m. the day following of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
19. The permit for sale of beer and wine shall not be effective until all property improvements shown in Exhibit "A" are constructed and granted final occupancy by Department of Public Works Building and Safety Division and condition 21's requirements are satisfied to the satisfaction of the Director.
20. The sale of beer and wine for off-site consumption at the mini-mart of the service station is subject to the following conditions:
 - a. No alcoholic beverage shall be displayed within five feet of the cash register or the front door;
 - b. No display of alcoholic beverages shall be made from an ice tub;
 - c. No sale of alcoholic beverages shall be made for a drive-up window;
 - d. The permittee shall not advertise the sale of alcoholic beverage on the exterior walls or windows of the building or at any location of the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the buildings or windows;
 - e. Signage shall be posted within the alcoholic beverage section of the store notifying the public in English and the predominate second language in the neighborhood that it is a violation of the California State Vehicle Code to transport open containers of alcoholic beverages within the passenger compartment of a motor vehicle;
 - f. Beer or malt beverages in containers of 16 oz. or less shall not be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited;
 - g. Wine and wine coolers in containers less than 750 ml shall not be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities;

- h. There shall be no loitering permitted on the premises under the control of the permittee. Signage shall be posted on the premises prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood;
 - i. Between the hours of 10:00 p.m. to 12 p.m., employees authorized to sell alcoholic beverages shall be at least 21 years old;
 - j. Food and alcoholic beverage sales are for off-site consumption only. Tables and seating areas in the carwash and service station area are for waiting only. On-site eating is not permitted;
 - k. There shall be no alcoholic beverages consumed on the subject property;
 - l. Shelf space devoted to the sale of alcoholic beverages shall not exceed more than five (5) percent of the total shelf space;
 - m. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any County Sheriff, Zoning Inspector or Alcohol Beverage Control (ABC) investigator. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
 - n. All employees authorized to sell alcoholic beverages shall participate in the License Education on Alcohol and Drugs (LEAD) Program offered by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The permittee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program; and
 - o. Alcoholic beverage sales shall occur only between the hours of 7 a.m. and 12 p.m.
21. The subject property shall be further subject to the following conditions:
- a. The permittee shall comply with all recommended conditions set forth in the attached County of Los Angeles Fire Department, Fire Prevention letter dated August 10, 2007, except as otherwise required by said department;
 - b. There shall be no outdoor sales, storage, or displays of merchandise except for that directly related to automobile accessories and facilities necessary for dispensing petroleum products;
 - c. A minimum of eight percent of the net lot area of the subject property shall be landscaped. The landscape and the irrigation plan shall be approved by the Director;

- d. All exterior lighting shall be hooded and directed downward and such lighting shall be designed so as to prevent glare or direct illumination to any adjacent residential use. Lighting shall be provided in the parking lot;
- e. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;
- f. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area and shall be visible to the cashier;
- g. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control;
- h. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
- i. Wall signs and graphic displays must be confined to the façade surface of the building and the pump island canopy, and should not project above the roofline or disrupt the architectural design of the building; such signage shall conform to the requirements of Part 10 Chapter 22.52 of the County Code;
- j. Outside storage of trash shall be within an approved trash enclosure;
- k. Temporary window signs shall not exceed 25 percent of the area of any single window or of adjoining windows on the same frontage;
- l. Video security shall be installed and maintained for the mini-mart, carwash, and service station (exterior and interior coverage). The recorded images shall be retained for a period of at least two weeks or longer as determined by the Sheriff's Department;
- m. Temporary banner signs are not permitted and shall be removed from the freestanding sign at the intersection of Nogales Street and Walnut Avenue; and
- n. The permittee shall enter into an agreement to hold Assessor's Parcel Numbers 8760-001-012 and 8760-001-011 parcels as one, as the structures cross the common property line and the required parking for the mini-mart/service station/carwash is on both parcels; not less than 46 on-site parking spaces shall be provided (including two handicapped parking space which is properly signed).

Attachments:

County of Los Angeles Fire Department, Fire Prevention letter dated August 10, 2007

MC:JB
10/04/07

ADDENDUM BURDEN OF PROOF, ALCOHOLIC BEVERAGE SALES Section 22.56.195

1. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school park, playground or any similar use within a 600-foot radius;

THERE ARE NO SENSITIVE USES WITHIN THE 600' RADIUS
PROPOSED PROPERTY.

2. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;

THERE ARE NO RESIDENTIAL ZONED PROPERTY WITHIN THE
PROPOSED SITE.

3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500 foot of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment;

ITS NOT AN OVER CONCENTRATION CENSUS TRACT.

4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community;

THE APPROVAL OF THE CONDITIONAL USE AT THIS LOCATION WILL NOT ADVERSELY
AFFECT THE ECONOMIC WELFARE OF THE COMMUNITY. TO THE CONTRARY, THE MALL
HAS PROVEN TO BE A SUCCESSFUL BUSINESS IN THE COMMUNITY, AND AS SUCH ADDS
TO THE ECONOMIC HEALTH OF THE AREA, THRIVING BUSINESSES IN THE MALL
TEND TO ATTRACT MORE PEOPLE, WHICH IN TURN ATTRACT MORE THRIVING BUSINESSES.
THEREFORE THE PROPOSED USE WILL MOST LIKELY SERVE TO STIMULATE THE ECONOMY OF THE
COMMUNITY.

(OVER)

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

THE PROPOSED LOCATION DOES NOT ADVERSELY EFFECT THE WELFARE OF PERSON RESIDING OR WORKING IN THE SURROUNDING AREA, BECAUSE THE PROPOSE SITE IS UTILIZE FOR GENERAL CONVENIENT CONSUMER PRODUCT SERVICES. THE PROPOSED SITE IS NOT MATERIALLY DETRIMENTAL TO THE ENVIRONMENT, BECAUSE THE PROPOSED SITE IS LOCATED WITHIN THE COMMERCIAL CORRIDOR WHICH EXIST IN THE GENERAL VICINITY OF OTHER RETAIL FACILITIES. THE PROPOSED LOCATION WILL NOT JEOPARDIZE ENDANGER THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE OF THE COMMUNITY BECAUSE THE PROPOSE SITE SERVES AS A COMMODITY FOR PUBLIC AND PRIVATE CONSUMPTION WHICH THEREFORE DOES NOT CREATE A HAZARD.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

THE PROPOSED SITE CURRENTLY MEETS THE ZONING & PLANNING REQUIREMENTS AS WELL AS FEATURES PRESCRIBED IN TITLE 22.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

THE PROPOSED SITE WILL NOT IMPACT THE EXISTING HIGHWAYS OR STREETS QUANTITY OF TRAFFIC GENERATED BY CURRENT PRIVATE OR PUBLIC FACILITIES.

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT

Patrol Division Investigator's Report

LIQUOR LICENSE APPLICATION INVESTIGATION

Off Sale

File Number 107-07731-2934-446

Beer and Wine/ Person to Person
Type of License

This Application is for:

☒ New Location?☐ Transfer of Existing License?☐ Increase in Authority of Existing License?

Date

07-03-2007

Assigned to

LoMonaco, Joseph N

Assigned by

Sgt. Fulkerson

Completion Date

07-03-2007

APPLICANT

Blank	Aleks	3660 Alomar Dr	Sherman Oaks	Busn. 818-371-6210
Last Name	First	Middle	Street Address	City
Birthdate				Phone No.
Month 01	Day 09	Year 1962	Hgt. 6 Ft. 2 In. Wgt. 189 Lbs	Color Brown
				Eyes Blue

OWNER

Blank	Galina	3660 Alomar Dr	Sherman Oaks	Busn. 818-371-6210
Last Name	First	Middle	Street Address	City
Birth date				Phone No.
Month	Day	Year	Hgt. Ft. In. Wgt. Lbs	Color
				Eyes

DBA NEIGHBORHOOD

Nogales Auto Spa Inc.	1100 s. Nogales St.	Rowland Heights
Firm Name	Street Address	City
<input type="checkbox"/> Business.	<input type="checkbox"/> Total Seating Capacity.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Residential.	<input type="checkbox"/> Number of Stools.	<input type="checkbox"/> Juke Box?
<input type="checkbox"/> Industrial.	<input type="checkbox"/> Seating cap. of all booths.	<input type="checkbox"/> Floor Show?
<input type="checkbox"/> Business- Residential.	<input type="checkbox"/> Seating cap. of all tables.	<input type="checkbox"/> Dancing?
<input type="checkbox"/> Industrial - Residential		<input type="checkbox"/> Other? (If answer is yes, explain under
<input checked="" type="checkbox"/> Business - Industrial		

(if answer to any of the following questions is yes, explain under comments.)

Yes No

☐ ☒☐ ☒☐ ☒

1. Does criminal record of applicant or owner indicate that disapproval is warranted? *

2. Does investigation indicate that a person other than applicant or owner is a party of interest?

3. Are there any schools, churches, public playgrounds, etc. as defined in Sec. 23789 of the Business and Professions Code in the immediate vicinity?

(If answer to question No. 2 is yes, explain under comments.)

Yes No

☒ ☐☐ ☒

1. Do you recommend approval of this application?

2. Is there a basis for protest concerning this application?

COMMENTS: (Use reverse side if necessary)

Based on the information provided me by my staff I approve the above Alcohol License.


David Halm, Captain
Commander Walnut/Diamond Bar Station1. Original to Record Bureau.
2. Copy to Department of ABC.4. Copy to License Detail (For info. only).
5. Copy to "Contract City" when applicable



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

DATE: August 10, 2007

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2006-02866

LOCATION: 1100 Nogales Street, Rowland Heights

- ☐ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☒ The required fire flow for this development is 2000 gallons per minute for 2 hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☒ Verify / Upgrade 1 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ **Comments:** Access and Fire Flow are adequate for this CUP.
- ☐ **Location:** _____
- ☐ **Access:** _____
- ☒ **Special Requirements:** Prior to building permit issuance, approval of architectural drawing is required by Fire Prevention Engineering.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: **Scott Jaeggi**

Co.CUP 06/07

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783

PREMISES ADDRESS:

1100 S Nogales St. Rowland Heights, CA 91748-1314

ATTN: Jim Beld

Crasing Walnut Dr.LICENSE TYPE: 20 off-sale New

1. CRIME REPORTING DISTRICT

 Jurisdiction unable to provide statistical data.✓ Reporting District: 2934✓ Total number of reporting districts: 355

679-C3

✓ Total number of offenses: 50,281✓ Average number of offenses per district: 142 141✓ 120% of average number of offenses: 170 169✓ Total offenses in district: 191✓ Location is within a high crime reporting district: (Yes) No

2. CENSUS TRACT / UNDUE CONCENTRATION

✓ Census Tract: 4082.12✓ Population: 4262 / County Ratio 1:1601✓ Number of licenses allowed: 3✓ Number of existing licenses: 2✓ Undue concentration exists: Yes (No)✓ Letter of public convenience or necessity required: Governing Body / Applicant.✓ Three time publication required: (Yes) / No[Signature]
Person Taking Application[Signature]
Investigator
Over[Signature]
Supervisor

DAVID RODRIGUEZ - PRESIDENT
JOHN BELLAH - 1ST VICE PRESIDENT
LYNNE EBENKAMP - 2ND VICE PRESIDENT
CHARLES LIU - 3RD VICE PRESIDENT
VACANT - RECORDING SECRETARY
HENRY WOO - CORRESP. SECRETARY
TED EBENKAMP - TREASURER
BETH HOJNACKE - HISTORIAN
MIKE POPOVEC - PAST PRESIDENT



**ROWLAND HEIGHTS
COMMUNITY COORDINATING COUNCIL**
WWW.RHCCC.NET/FIRMS.COM

VIA ELECTRONIC MAIL

TO: Attn: James Bell
Hon. Harold V. Helsley
Hon. Pat Modugno
Hon. Esther L. Valadez
Hon. Leslie G. Bellamy
Hon. Harold V. Helsley
Hon. Wayne Rew
Regional Planning Commission
County of Los Angeles

FROM: David Rodriguez, President & Development Committee Chairman
Rowland Heights Community Coordinating Council

CC: Rowland Heights Community Coordinating Council Board

DATE: October 3, 2007

RE: CUP 200600245-4 (Nogales Auto Spa)

The Rowland Heights Community Coordinating Council ("RHCCC") is writing you regarding the Conditional Use Permit Application (CUP 200600245-4) for Nogales Auto Spa in Rowland Heights.

As you might be aware, the RHCCC serves as a vehicle for gathering public input regarding development projects and synthesizing the same into coherent public comment regarding these projects. Generally, numerous complaints have been brought regarding what Rowland Heights residents have deemed to be excessive development on Colima Road and neighboring streets, and the impact of development or projects on neighboring uses.

Specifically, although the project would be continuing an existing use (gas station and auto spa), along with a proposal to allow the sale of beer and wine, since the project included a modification/addition of the existing square footage of the use, concerns surrounded whether the applicant would comply with the Rowland Heights CSD Title 22.44.132 D2 requirement for landscaping.

Additionally, the RHCCC also expressed concerns regarding the potential traffic problems caused by the location of certain entrance and exits for the project near the Walnut/Nogales Street intersections.

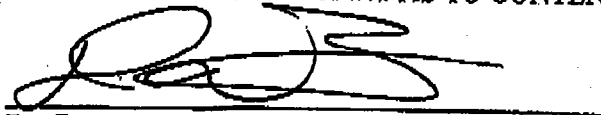
However, after numerous meetings regarding these issues, and because of the hard work of the applicant, County staff, the RHCCC and Rowland Heights stakeholders, the parties have come to the following agreement regarding the project:

- ☐ Project Layout: As set forth in the attached plans with 8% landscaping instead of the 10% required by the CSD.
- ☐ In exchange for the reduction in the landscaping requirement, the applicant will agree to improve the aesthetic of the mini mart building by adding exterior stone veneers.
- ☐ The beer and wine license should be approved.

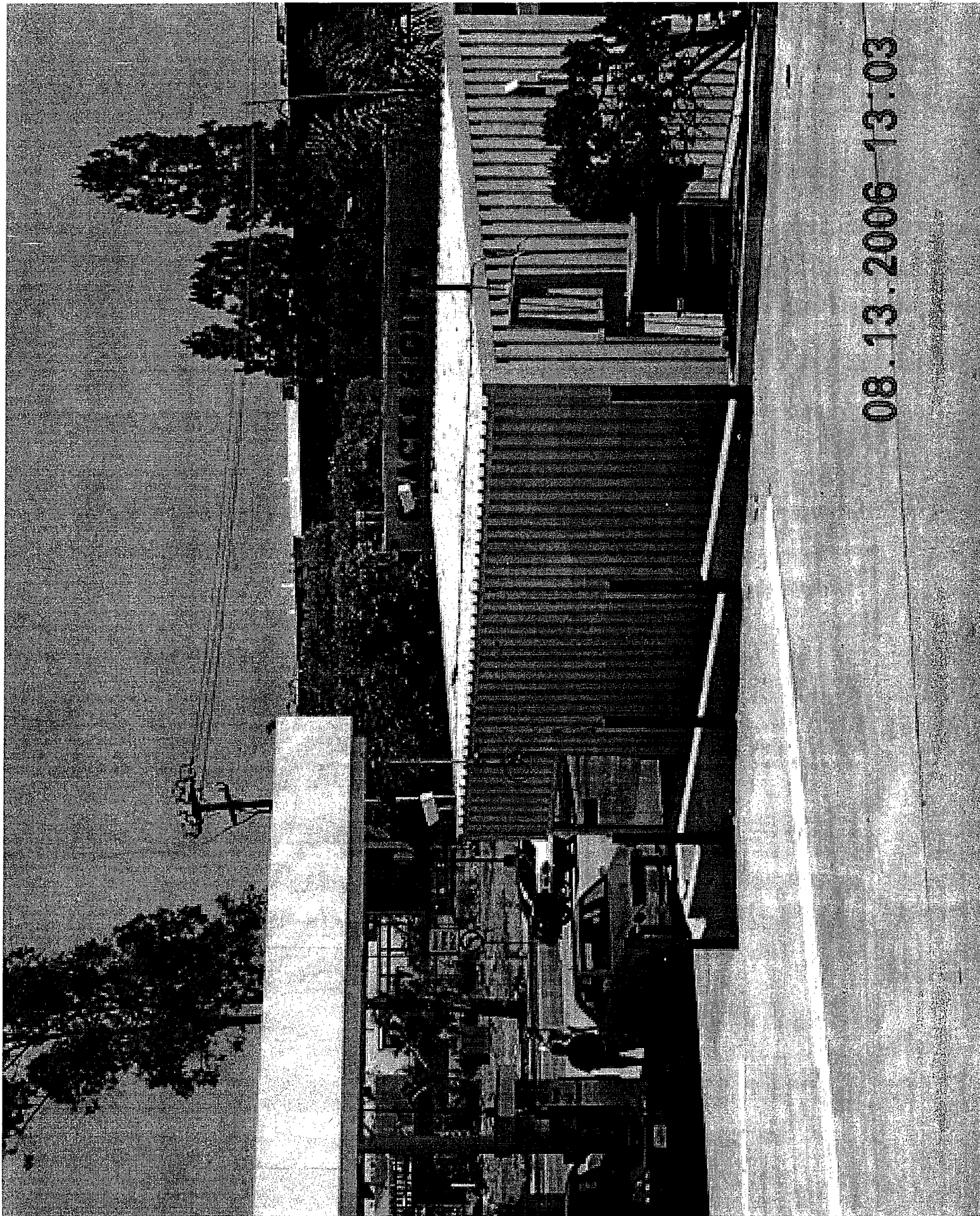
We ask that the aforementioned items be included in the Conditions of Use for the project.

Accordingly, in joint effort with the community, the applicant and the RHCCC, we ask that you approve the applicant's project on the aforementioned conditions.

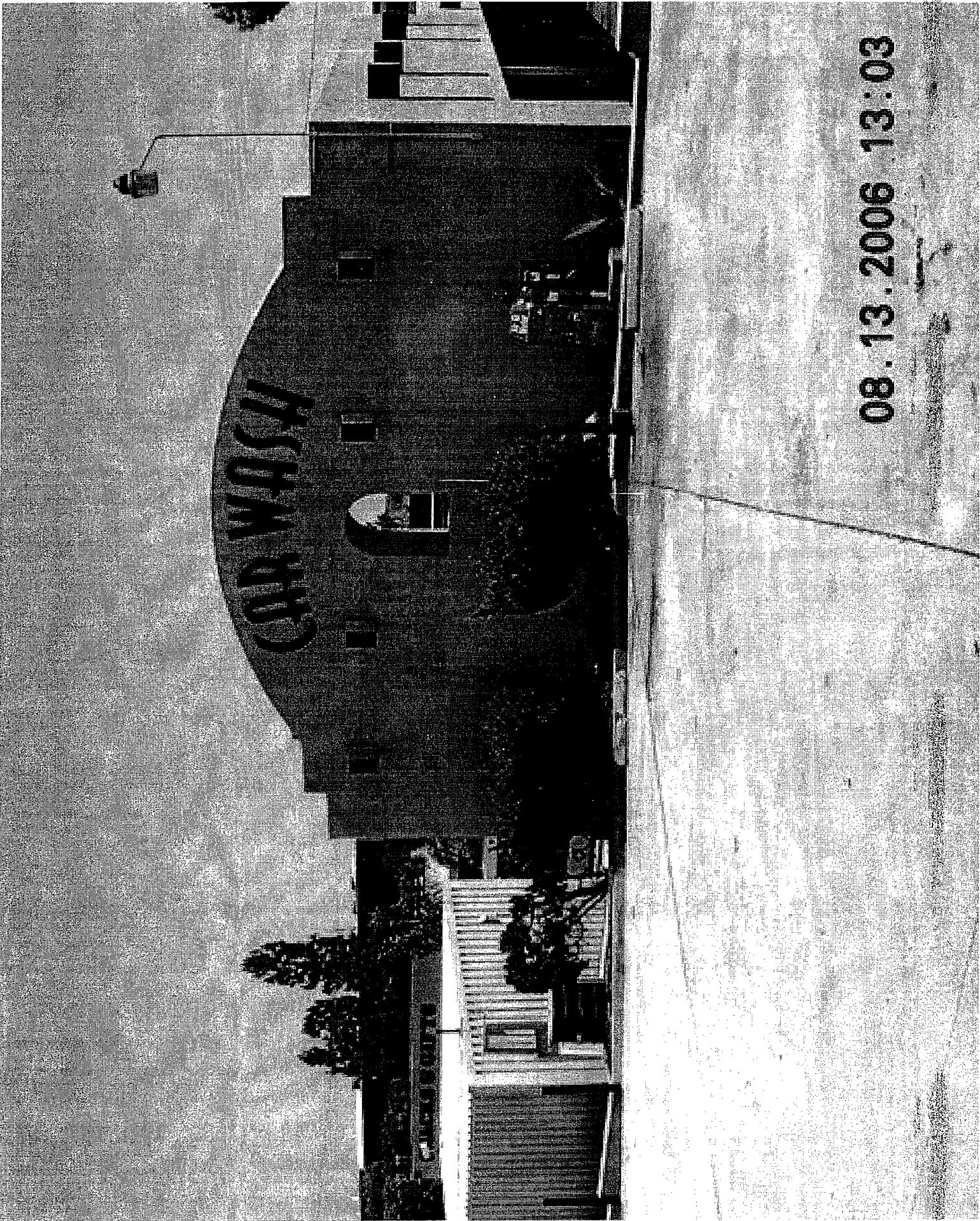
AGREED TO BY APPLICANT AS TO CONTENT:



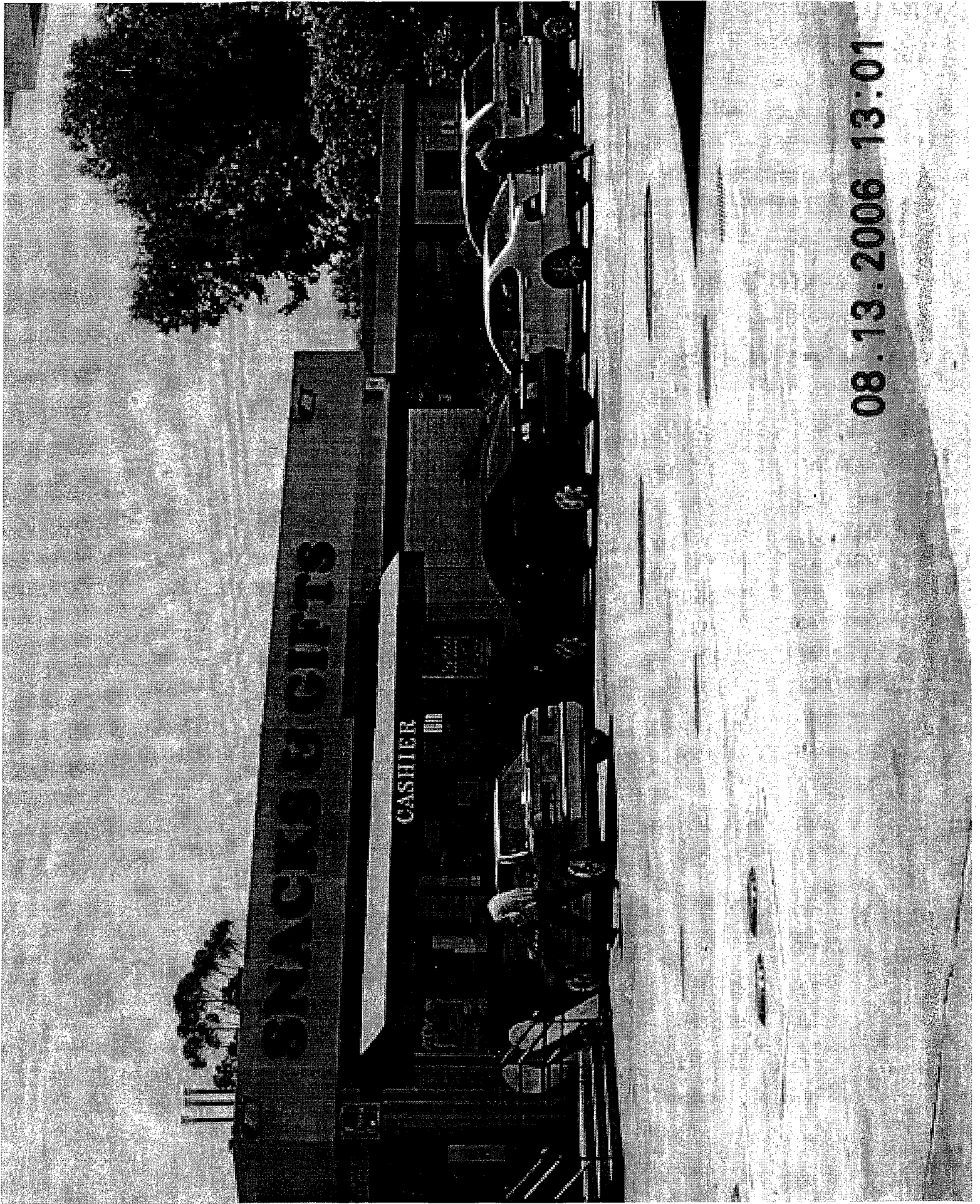
By: David Tyerskoy, CFO
Nogales Auto Spa



08.13.2006 13:03



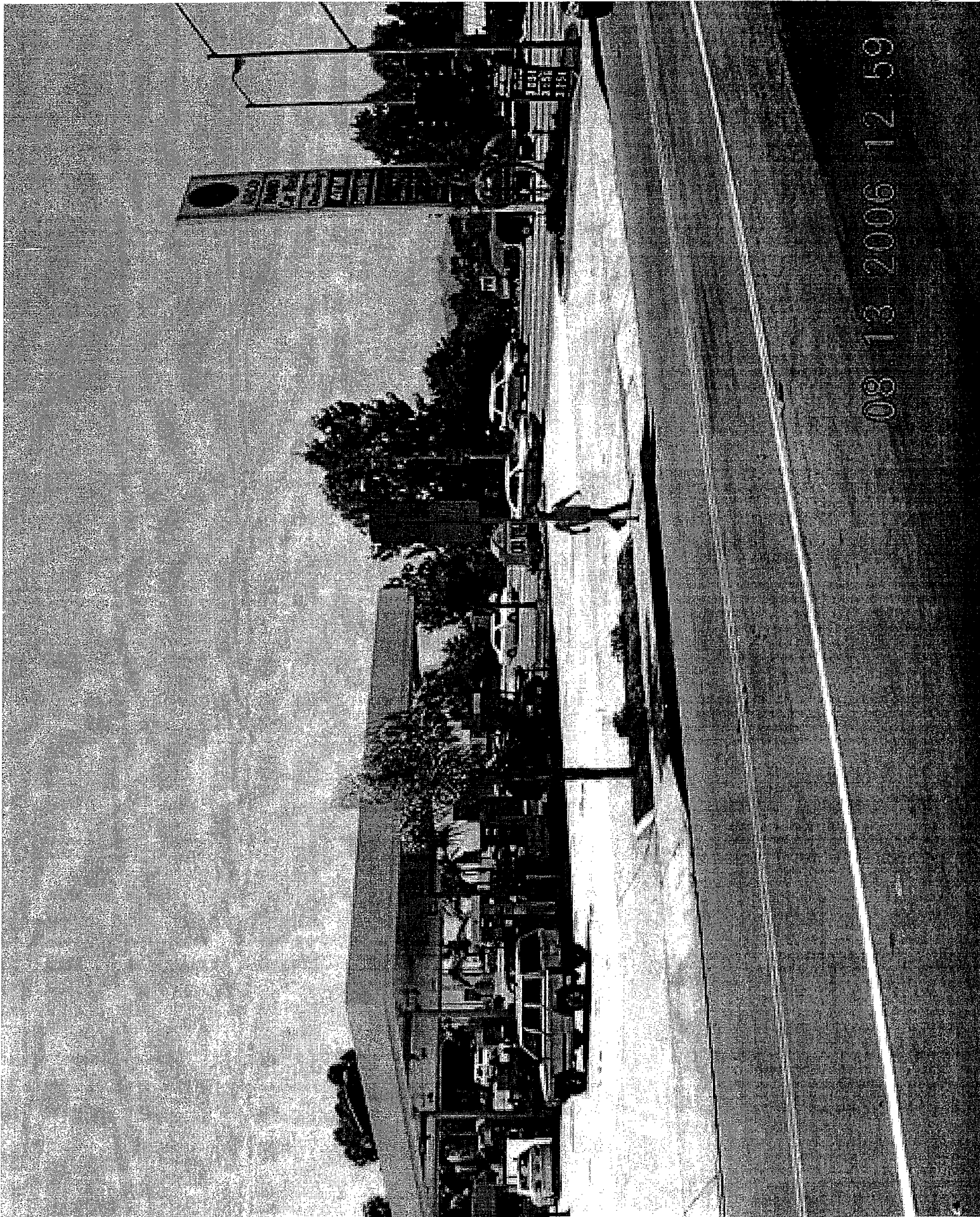
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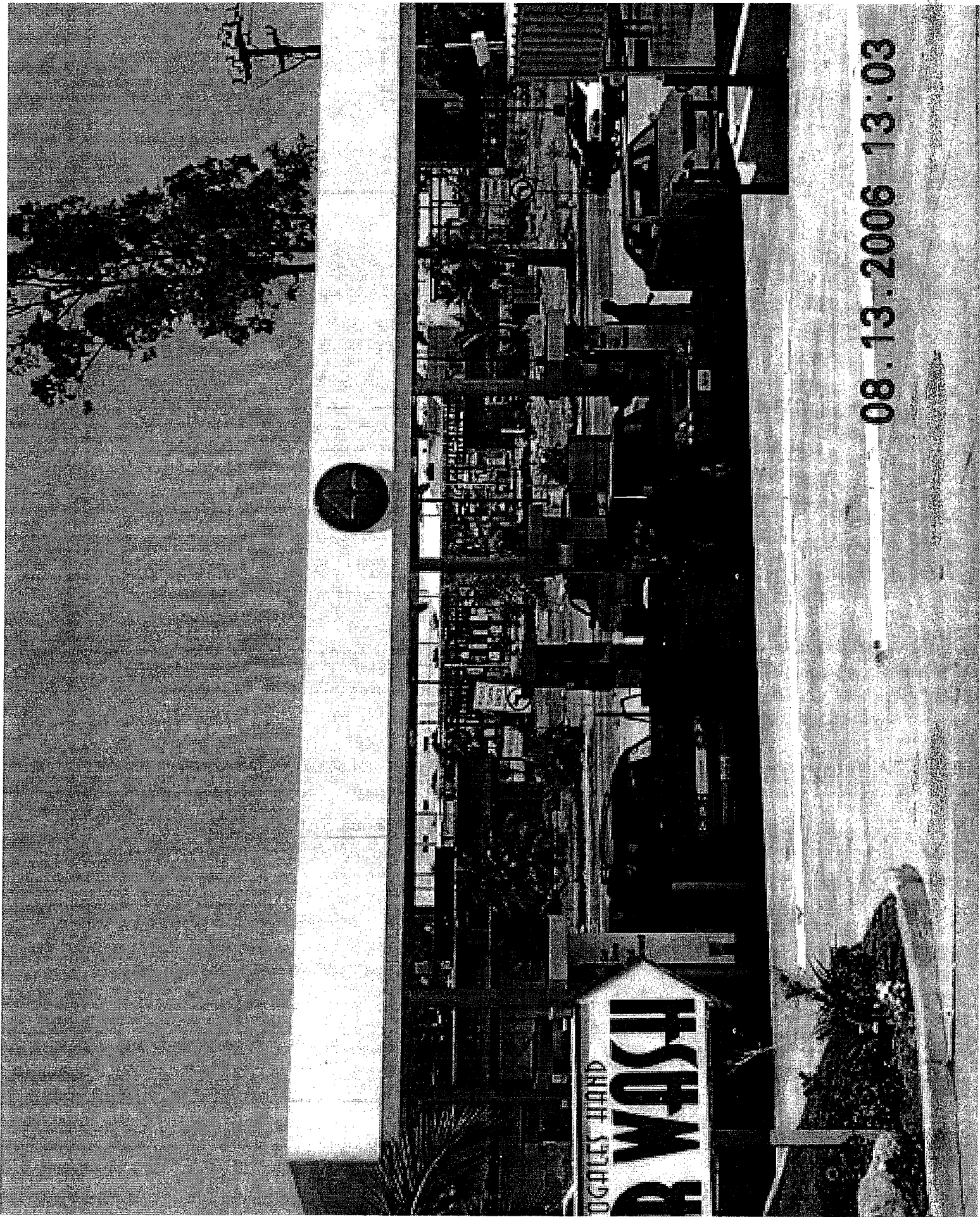
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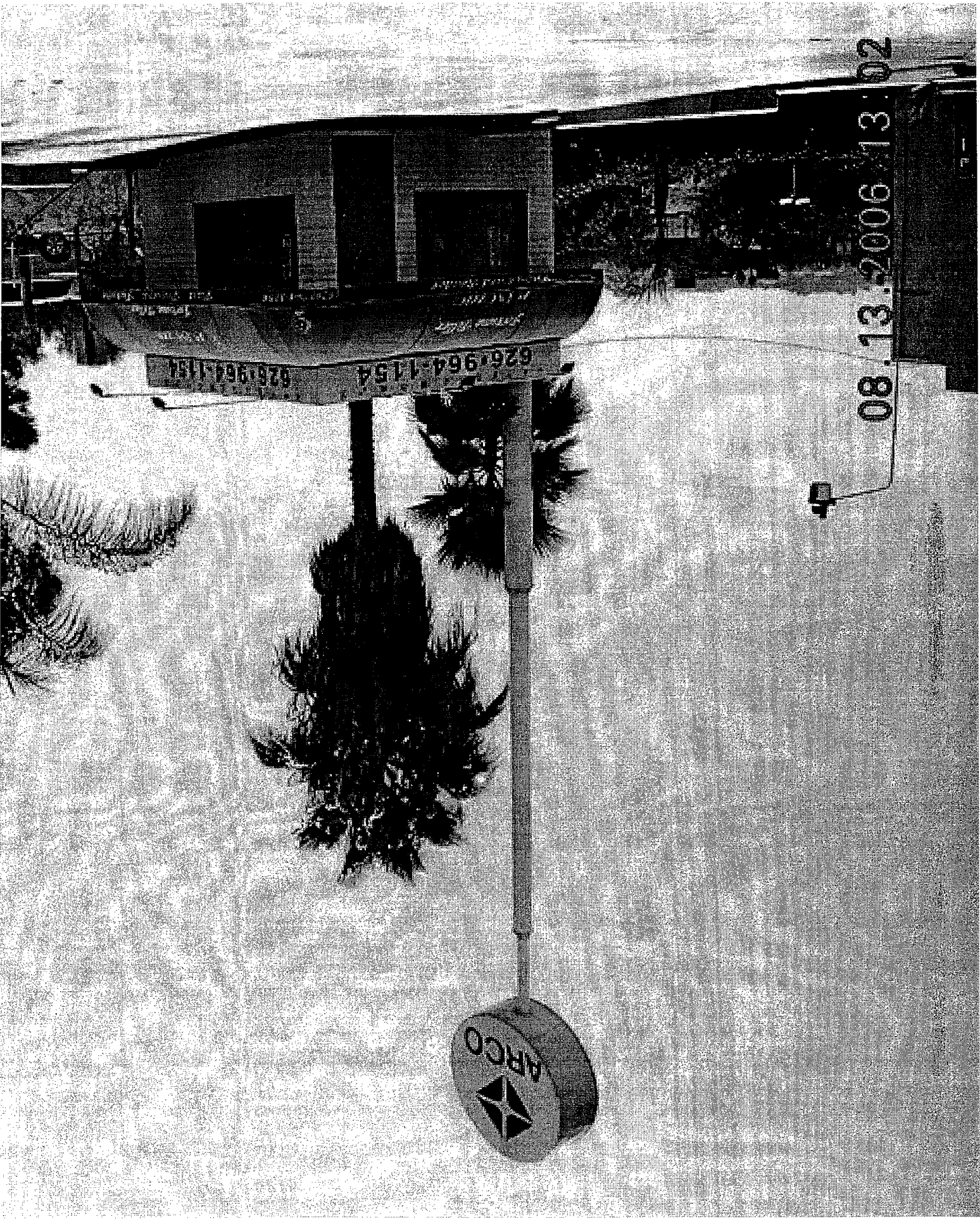
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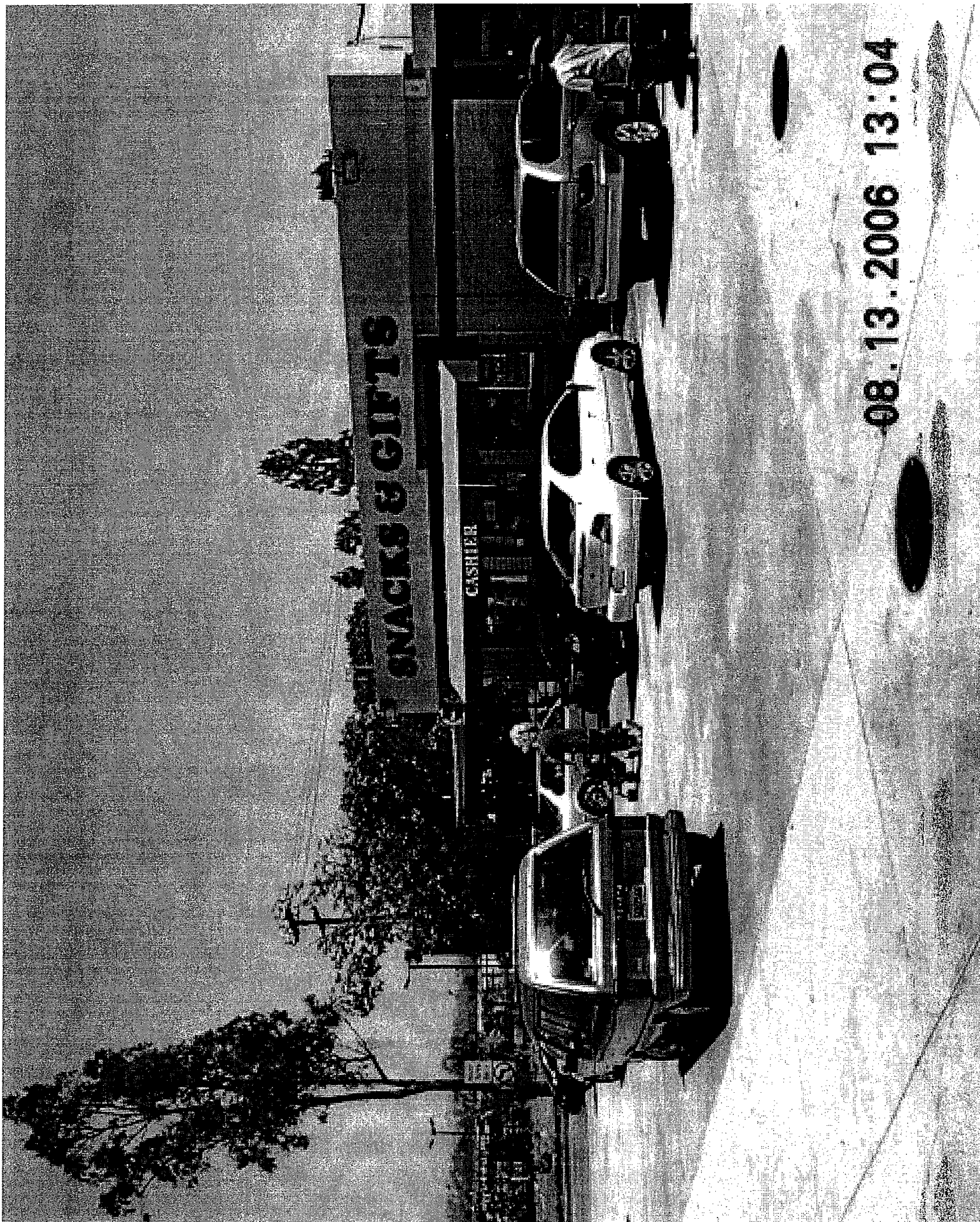
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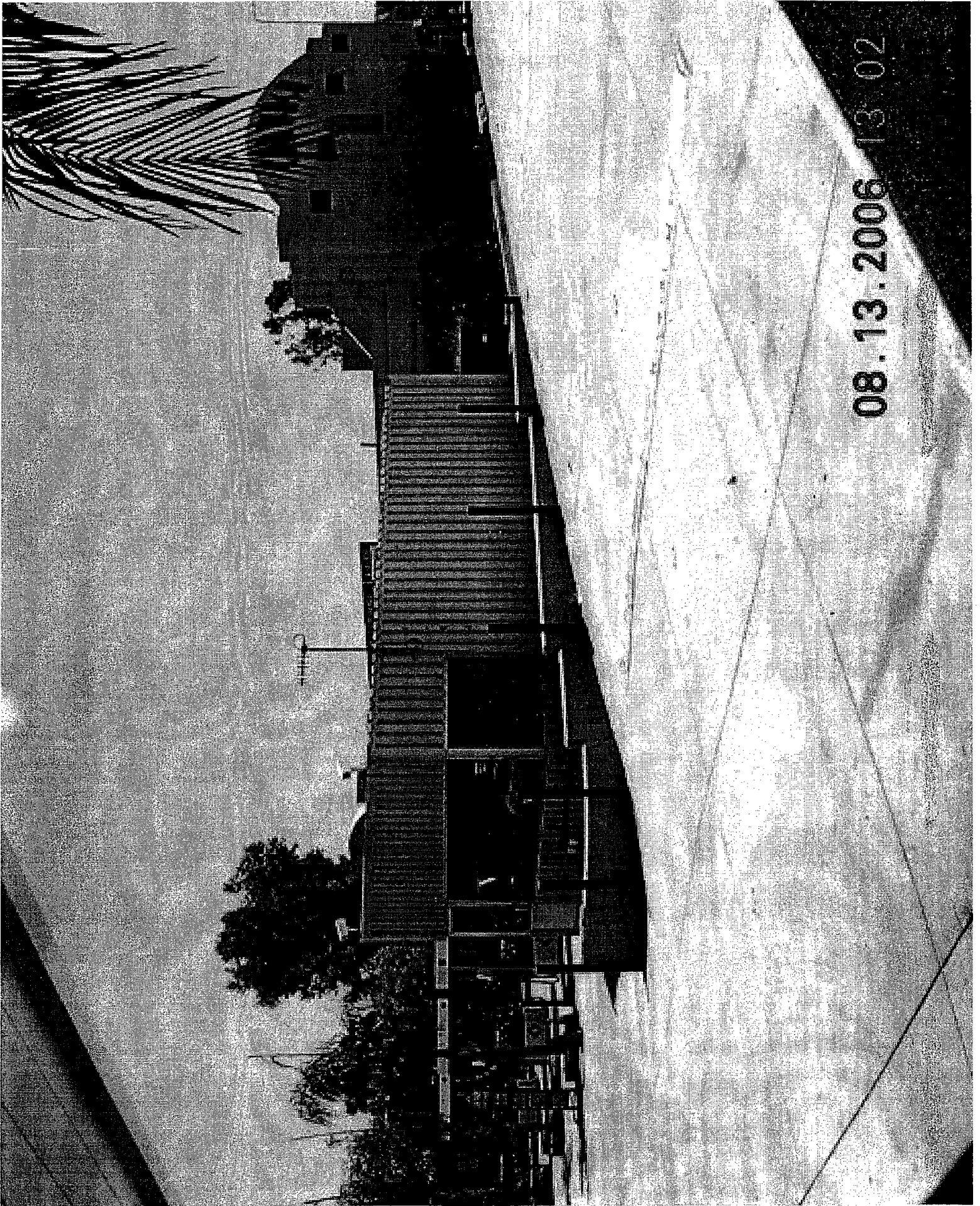
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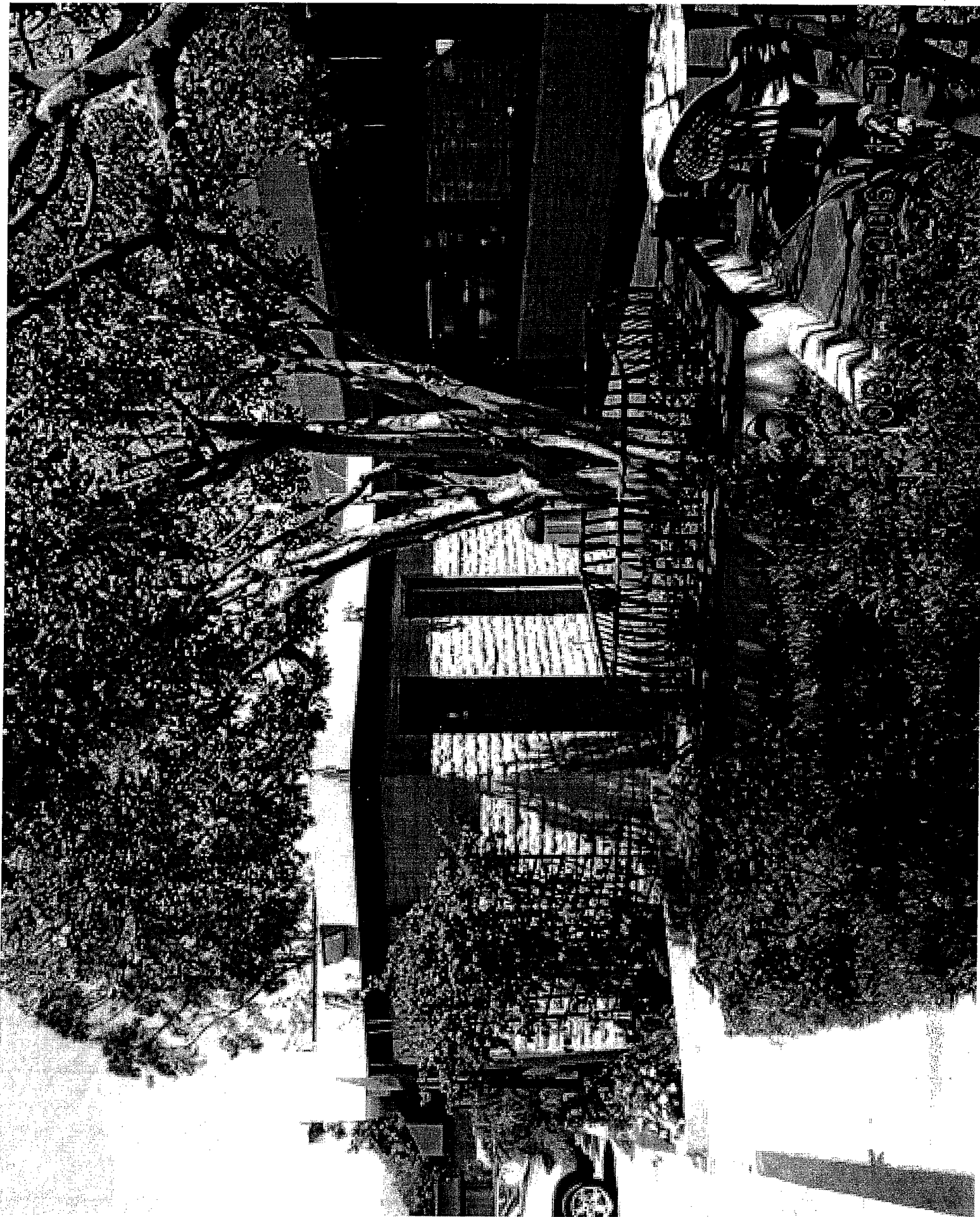
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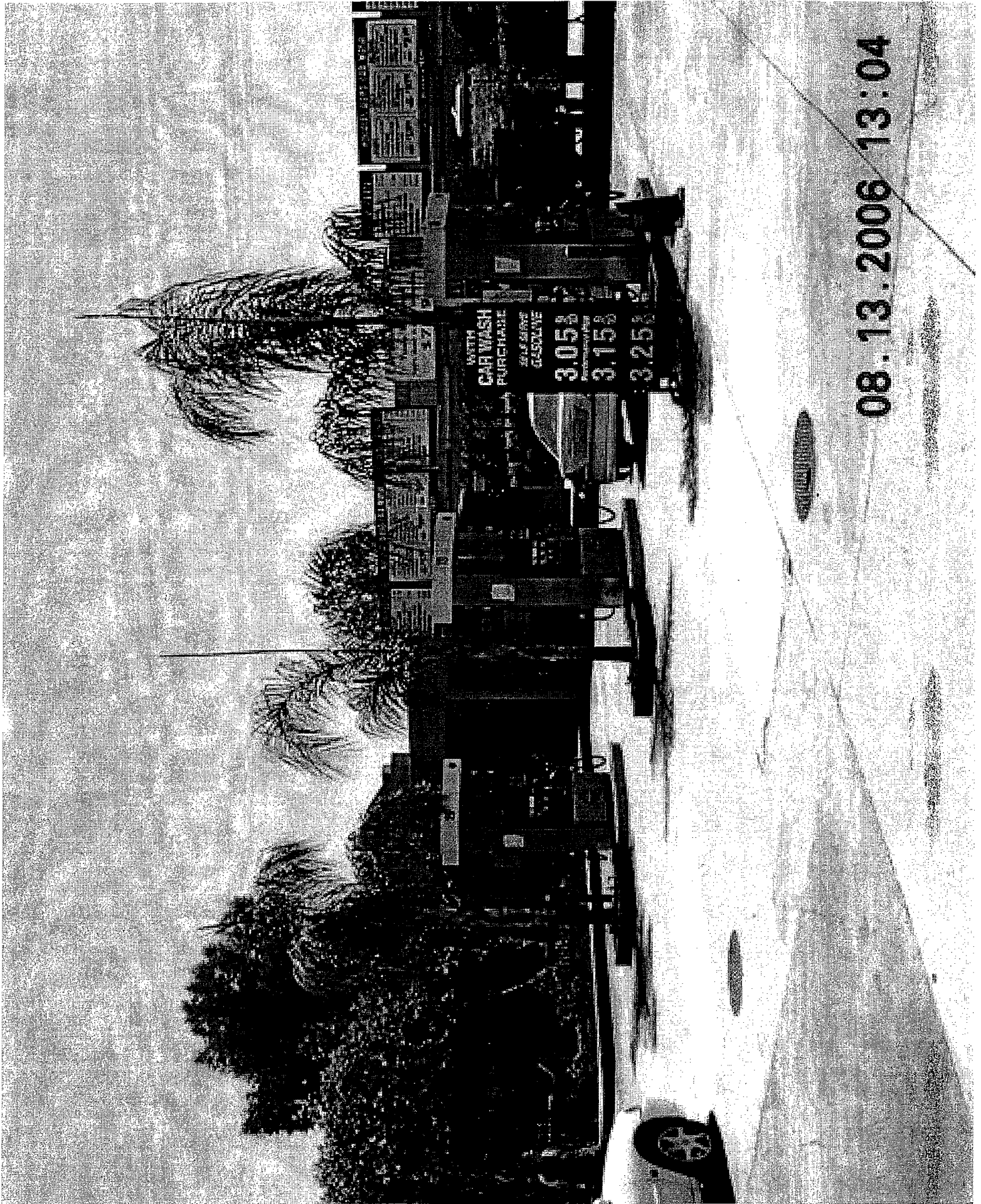


08.13.2006 13:04



08.13.2006 13:02



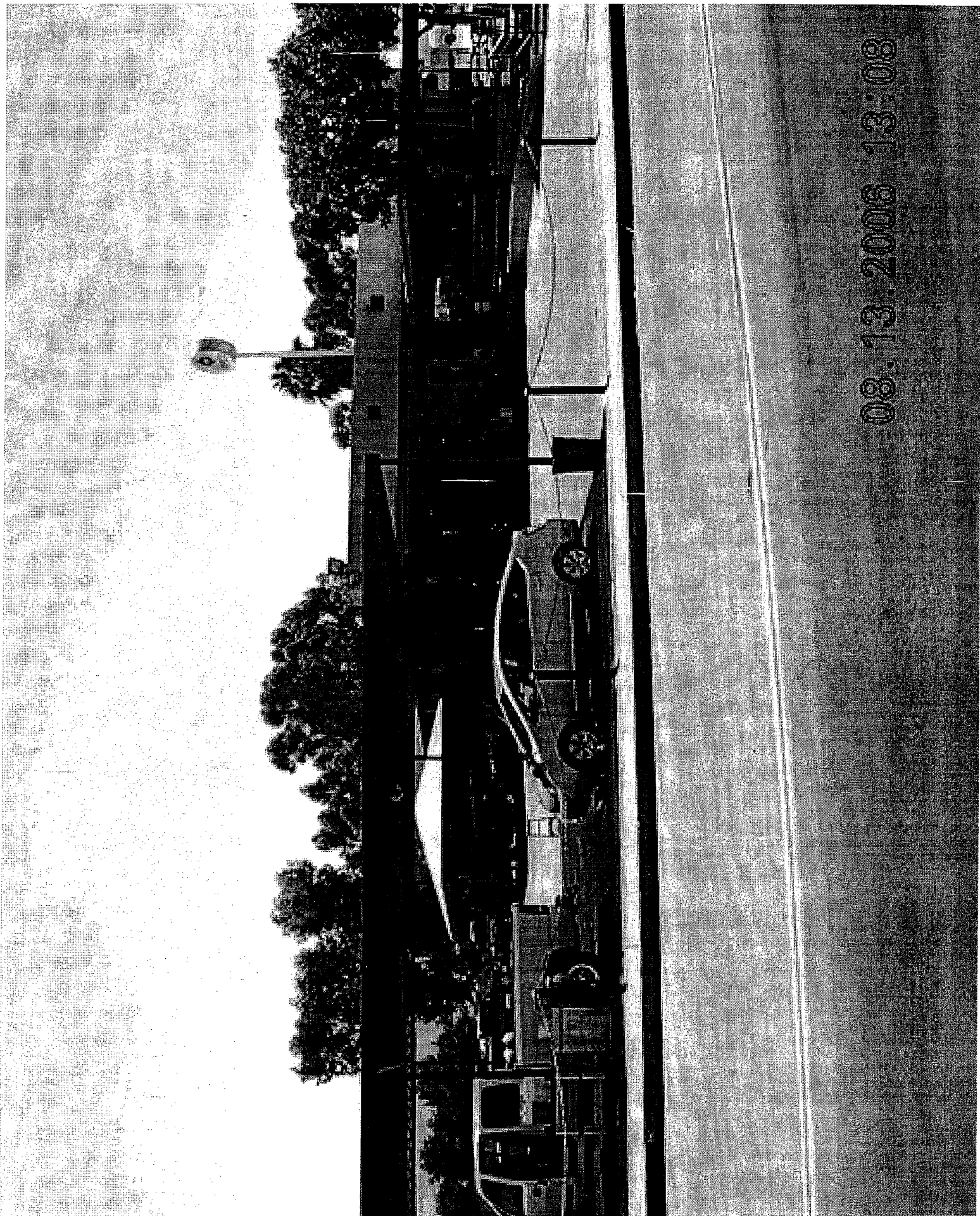


WITH
CAR WASH
PURCHASE

20.00
20.00
20.00

3.058
3.158
3.258

08.13.2006 13:04



08.13.2008 13:08



08.13.2006 13:08



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2006-02866-(4)
RCUP NO. 2006000245-(4)

RPC/HO CONSET DATE

CONTINUE TO

AGENDA ITEM

7

PUBLIC HEARING DATE

October 10, 2007

APPLICANT Nogales Auto Spa		OWNER S AND P Investments LLC		REPRESENTATIVE	
REQUEST Conditional Use Permit: To authorize the sales of beer and wine for off-site consumption and the continued operation of a car wash in conjunction with a mini-mart and service station					
LOCATION/ADDRESS 1100 Nogales, Rowland Heights			ZONED DISTRICT Puente Zoned District		
ACCESS Walnut Drive to the east and west and Nogales Street to the north and south.			COMMUNITY Rowland Heights		
			EXISTING ZONING M1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion) Zone and the B-2 (Buffer-2) Zone		
SIZE 1.5 acres (65,380 sq. ft.)	EXISTING LAND USE Car wash, service station		SHAPE irregular		TOPOGRAPHY Relatively flat

SURROUNDING LAND USES & ZONING

North: Industrial and vacant/City of Industry	East: Industrial/ M1.5-BE & B-1
South: Pomona Freeway (I-60)/ freeway and single family residential	West: retail/ M1.5-BE & B-1

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Rowland Heights Community General Plan	Industrial	N/A	N/A

ENVIRONMENTAL STATUS

Categorical exemption pursuant to Class 3 of the California Environmental Quality Act and the County of Los Angeles Environmental Document Reporting Procedures and Guidelines.

DESCRIPTION OF SITE PLAN

The subject property is irregular in shape, with flat topography. The applicant's site plan depicts the 1.5-acre subject property with the existing car wash and service station and the proposed mini mart. Access to the subject property is via Walnut Drive to the east and west and Nogales Street to the north and south.

The KEY ISSUES

- Satisfaction of Section 22.56.040, Title 22 of the Los Angeles County Code conditional use permits burden of proof requirements.
- Satisfaction of Section 22.56.195 of the Los Angeles County Code Title 22, conditional use permit burden of proof requirements for alcoholic beverage sales on-site or off-site consumption.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE (S) October 10, 2007	RPC ACTION DATE October 10, 2007	RPC RECOMMENDATION Approval
MEMBERS VOTING AYE 5	MEMBERS VOTING NO 0	MEMBERS ABSTAINING 0
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) 2 (F) 2	PETITIONS (O) (F)	LETTERS (O) 1 (F)

*(O) = Opponents (F) = In Favor